

INVENTORY
OF THE
COUNTY
ARCHIVES
OF
INDIANA

No. 71

ST. JOSEPH COUNTY

1939



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INVENTORY OF THE COUNTY ARCHIVES OF INDIANA

Prepared by

The Historical Records Survey
Division of Professional and Service Projects
Works Progress Administration

NO. 71. ST. JOSEPH COUNTY (SOUTH BEND)



Indiana Historical Bureau
Indianapolis
1939

**Allen County Public Library
Ft. Wayne, Indiana**



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1939

FOREWORD

The Inventory of County Archives of Indiana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of St. Joseph County, is number 71 of the Indiana series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country, will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Administrator, is in charge.

F. C. HARRINGTON
Administrator

PREFACE

The survey of local public records in Indiana was instituted on February 19, 1936, as a part of a nation-wide undertaking under the supervision of Dr. Luther H. Evans. Samuel J. Kagan, Archivist in the Indiana State Library, was assigned to lead the project as State Director. In the beginning the Survey was closely associated with the Writer's Project. On September 23, 1936, The Historical Records Survey was nominally as well as factually made independent of the Writer's Project. In general, it has from its very inception acted as a separate and independent unit of Federal Project No. 1.

The inventory proper is preceded by a number of introductory essays to enlighten the reader concerning facts and events forming the background and basis of the records. The entries for the record series are carried in consecutive numbering for the county. The bureaus are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Whenever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence. An extensive index will aid the reader to locate records with a minimum of inconvenience and effort.

The field work of the survey of St. Joseph County records was begun on March 10, 1936, under the district supervision of Mrs. Fred Elbel, of South Bend, who was later succeeded by Alvin Melser, of the same city. The field workers were Albert Botos, Fred Fulford, and Leonard Nevins, all of South Bend, and Harry West, of Mishawaka. It was completed on June 1, 1936. Many visits to the courthouse, however, have since been made by revisers to check and recheck the information contained herein, the final recheck having been made by Albert Botos, of South Bend, in January, 1939.

The editing of this inventory has been conducted by an editorial staff, whose labors we deeply appreciate and wish to recognize forthwith: Harry A. Rider, Editor-in-Chief, under whose supervision the final manuscript was prepared for publication; John R. Milligan, Associate Editor; Frank E. Ross, historical research; W. Davis Hamilton, legal research; Marshall Cowgill and Daus J. Summers, editorial assistants; and Fred E. Knodle, drawing the chart and floor plans. The housing report was compiled by Richard I. Nation.

The original survey was made at the record depositories. The entries were compiled in the form of this inventory in the district office at South Bend. Of the industrious and painstaking devotion to his task of each and every person who had a part in the Survey we are keenly aware, and we regret that we cannot commend by name all those whose services have contributed to the publication of this volume.

The Survey is indebted to county officials; to the State Works Progress Administration; to John K. Jennings, State Administrator; to Mildred E. Schmitt, Director of Professional and Service Division, who has rendered the Survey a great personal service in the administering of the project; to Herbert P. Kenney, Director of the Legislative Bureau, who placed the facilities of the Bureau at our command at all times; to Philip Zoercher, chairman of the State Board of Tax Commissioners, and to Dr. Christopher B. Coleman, Director of the Historical Bureau, who has given technical service to the project.

An appropriation by the county council of St. Joseph County has made this publication possible. The Indiana Historical Bureau has assumed the responsibility solely of printing. The Historical Records Survey has had entire charge of the editorial supervision and of seeing the volume through the press.

Three hundred copies of this volume have been printed. Copies have been distributed without charge to state libraries, to various governmental offices, and other depositories. The remainder are for sale through the Indiana Historical Bureau and the Auditor of St. Joseph County.

SAMUEL J. KAGAN

State Director, The Historical Records Survey

INDIANAPOLIS, INDIANA

April 1939

THE HISTORICAL RECORDS SURVEY

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Samuel J. Kagan, State Director

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS

Florence Kerr, Assistant Administrator
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1939

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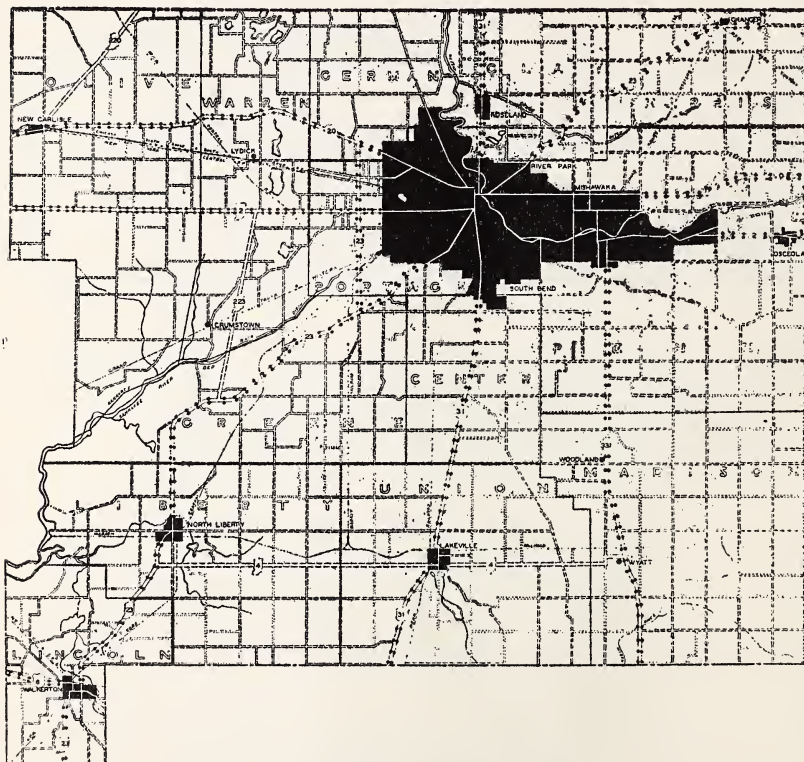
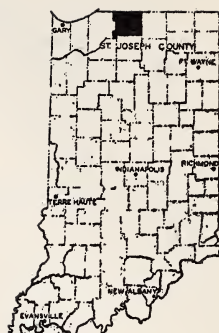
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GENERAL PLAN ST. JOSEPH COUNTY

STATE PLANNING BOARD
OF INDIANA
1936

LEGEND

- STATE AND U.S. HIGHWAYS
- PROPOSED HIGHWAYS
- IMPROVED ROADS
- DIST. ROADS
- TOWNS



PART A. ST. JOSEPH COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

St. Joseph County, lying on the northern border of Indiana, is rectangular in shape, but has a meandering boundary on the west and at the southwest corner. The county has an area of 460 square miles, or 294,400 acres. It is bounded on the north by the State of Michigan, on the east by Elkhart County, on the south by Marshall and Starke Counties, and on the west by La Porte County.¹

DRAINAGE AND TOPOGRAPHY

The St. Joseph River flows southwesterly through Michigan and northern Indiana. At South Bend it turns abruptly north and flows into Lake Michigan, at St. Joseph, Michigan. To distinguish the stream from the St. Joseph River that joins the St. Mary's at Fort Wayne to form the Maumee, the former has frequently been called St. Joseph River of Lake Michigan and Big St. Joseph. A few miles from South Bend are the headwaters of the Kankakee, flowing into the Illinois River. Part of the county, as a result of the intervening watershed, drains into the Gulf of St. Lawrence, while the remainder drains into the Gulf of Mexico. A state ditch, flowing into the St. Joseph, is the main outlet for the surface waters of the northeastern portion of the county. The principal tributary of the Kankakee is Grapevine Creek.

The uplands of southeastern St. Joseph County represent the highest elevation, ranging from 875 to 900 feet above the sea. The low point, at Kankakee flats, is about 700 feet above sea level. Formerly there were extensive marshes from just southwest of South Bend to the La Porte County line. These have been reclaimed largely through the medium of ditches. The peat bogs of the vicinity rank among the best in Indiana, in both quality and extent.

In ancient times, says Montgomery, a great stream flowed southwesterly from the foot of the Saginaw glacier through Michigan and northern Indiana, past the present city of South Bend, thence through the bed of the Kankakee River to the Illinois. There was no drainage into Lake Michigan. In modern times the low watershed intervening

¹George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County*, 718-29 (*Indiana Historical Collections*, vol. 19). Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36), St. Joseph County section. *Year Book of the State of Indiana for the Year 1936* (1937), 886.

between the St. Joseph and the head of the Kankakee has provided a short and easy portage for savages, fur traders, and explorers.²

EARLY INDIANA

Because of the portage, the St. Joseph Valley was one of the first areas in Indiana to be visited by white men. Father Marquette may have traveled by the portage in 1675 and we know that Robert Cavelier, Sieur de La Salle, did so in 1679.³ Quite possibly there were earlier visits by the *coureurs de bois*, or bush rangers. These were persons who went into the western forests to trade in furs and live among the savages. They were hated by the king of France, since they did not serve to increase the population of Canada. The *coureurs*, says Parkman, "would set out, two or three together, to roam for hundreds of miles through the endless meshwork of interlocking lakes and rivers which seams the northern wilderness." It would be strange indeed had these adventurers not traveled by a portage well known to their Indian friends.

First occupied by the red men, Indiana and the Ohio Valley became the battleground of two great colonial powers, each with savage allies. The French entered the region from New France and from Louisiana. The British fur traders, chiefly from Pennsylvania, pushed westward hundreds of miles beyond the settlers' frontier. France erected three important trading posts in Indiana: First, about 1715, "Post Miami" (Fort Wayne), at the head of the Maumee; second, about 1719 or 1720, a fort at Ouiatanon, on the Wabash, at the mouth of the Wea River, near Lafayette; and finally, before March 1733, a fort at Vincennes, on the lower Wabash.⁵ In the clash of empires (King George's War and the French and Indian War), France was defeated and forced, in 1763, to cede New France and all lands east of the Mississippi to Great Britain.

During the American Revolution, General George Rogers Clark conquered the western country in 1778 and 1779, and the Virginia legislature, at the session beginning in October 1778, erected the County of Illinois for the government of Virginia citizens residing on "the western

² G. M. Levette, "Report of Observations made in the Counties of De Kalb, La Grange, Elkhart, Noble, St. Joseph and La Porte," *Indiana Geological Report*, 1873, pp. 456 ff. Hugh T. Montgomery, "The Kankakee Valley," *Proceedings of the Indiana Academy of Science*, 1898, pp. 277-82. Hugh T. Montgomery, "The Glacial Phenomena as Exhibited in Northern Indiana and Southern Michigan," *Northern Indiana Historical Society Publication No. 2* (1899; revised edition, 1929). Arthur E. Taylor, "The Peat Deposits of Northern Indiana," *Indiana Geological Report*, 1906, pp. 233-48. E. J. Quinn, "Soil Survey of St. Joseph County," *Indiana Geological Report*, 1911, pp. 290-319.

³ George A. Baker, "The St. Joseph-Kankakee Portage," *Northern Indiana Historical Society Publication No. 1* (1899). Louise P. Kellogg, article on La Salle in the *Dictionary of American Biography*, 11:10-12.

⁴ Francis Parkman, *The Old Regime in Canada* (1874), 305-13.

⁵ P. G. Roy, *Sieur de Vincennes Identified* (*Indiana Historical Society Publications*, vol. 7, no. 1). O. J. Craig, *Ouiatanon* (*Indiana Historical Society Publications*, vol. 2, no. 8). P. C. Phillips, "Vincennes in its Relation to French Colonial Policy," *Indiana Magazine of History*, December 1921.

side of the Ohio."⁶ Actually, however, Virginia exerted no authority over the St. Joseph Valley for some time to come, the population consisting principally of savages, with perhaps an occasional roving white man. After the Revolution, the Ohio Valley was claimed by several of the colonies, who finally ceded their claims to the United States. By the Ordinance of 1787, Congress created the Northwest Territory for the government of the western country.⁷

A few months after the establishment of the territorial government, Knox County was created (1790), comprising Indiana and parts of Ohio, Michigan, Wisconsin, and Illinois.⁸ White settlers swarmed into the west. Indiana became a territory in 1800 and a state in 1816.

INDIAN LAND TITLES

The lands of St. Joseph County belonged principally to the Miami Indians—one of the constituent tribes of the Miami Confederacy, which had been formed to defend the Ohio Valley against the murderous raids of the Iroquois. For many years the Miami lived in the St. Joseph Valley but gradually moved southeastward and, in accordance with their custom, allowed "permitted" tribes to occupy Miami lands. In this wise the lands of St. Joseph County were occupied by the Potawatomi.

By the treaty of Greenville, August 3, 1795, delineating the boundary between the Indian tribes and the United States, most of Indiana was reserved to the savages for their hunting grounds. Almost at once, however, the United States Government began constricting the lines of the Indian country, a policy that culminated in a series of treaties: First, with the Ottawas, Chippewas, and Potawatomi on August 29, 1821; and four treaties with the Potawatomi, dated October 16, 1826, September 20, 1828, and October 26 and 27, 1832. These agreements left in the hands of the Indians many individual reservations. These reservations were subsequently ceded to the United States by the Potawatomi in a series of agreements (1834-37) negotiated by Abel C. Pepper.⁹ The Indians received payment for yielding their individual reservations, but in accordance with custom, a goodly portion of the money was paid not to the savages but to white fur traders to whom the Indians were indebted. The red men were removed to lands west of the Mississippi in 1837, 1838, and 1840. Many, not desiring to leave their homes, were removed by force.¹⁰

⁶ W. W. Hening, editor, *The Statutes at Large . . . of Virginia*, 9:552.

⁷ C. E. Carter, editor, *The Territorial Papers of the United States*, 2:39-50. *Laws N. W. Terr., 1788-1800*, pp. 123-30. John G. Rauch and Nellie C. Armstrong, *A Bibliography of the Laws of Indiana, 1788-1927*, introduction.

⁸ William H. Smith, editor, *The St. Clair Papers*, 2:166n.

⁹ "Treaties between the U. S. and the Indian Tribes," *U. S. Public Statutes at Large*, 7:49-54, 218-21, 295-99, 317-20, 394-97, 399-403, 498 ff., 603, 604. Charles J. Kappler, *Indian Affairs, Laws and Treaties*, 2:30-34, 138-40, 195-98, 210-12, 268-70, 272-74, 339 ff. (printed as *U. S. Senate Document No. 452*, 57 Congress, 1 Session).

¹⁰ Daniel McDonald, *Address . . . Delivered in the House of Representatives, Indianapolis, Friday, February 3, 1905* (1905).

WHITE SETTLEMENT

Although the valley of the St. Joseph was visited occasionally by white fur traders—French, British, and American—there was no permanent white settlement in St. Joseph County for more than a century after La Salle's day. Permanent settlement by the whites came during the American regime. The first white man to settle there was Pierre Freischuetz Navarre, who came from Monroe, Michigan in 1820 as agent for John Jacob Astor's American Fur Company. Navarre married a Potawatomi woman, by whom he had three sons and three daughters. The second man to settle was Alexis Coquillard (born at Detroit in 1795), regarded as the founder of South Bend. Coquillard served under Harrison in the War of 1812 and was subsequently an agent for Astor's company. In 1823, Coquillard established a trading post at the site of South Bend, on what was then called the Dragoon Trace—the road from Fort Wayne to Chicago.¹¹

The American Fur Company, founded by John Jacob Astor, and chartered by the New York legislature in April 1808,¹² played a large part in the life of St. Joseph County for many years. While the Indians were there, agents of the company lived among the savages and purchased furs. The company was a powerful influence in the economic and political life of both the county and the State of Indiana.

CREATION AND ORGANIZATION

St. Joseph County, named for the river of that name, was established by the general assembly of Indiana by an act approved January 29, 1830.¹³ Previously the county had been a part of Knox County, Northwest Territory (1790); Wayne County, Northwest Territory (1796); Knox County, Indiana Territory (1800); divided between Knox and Wayne Counties, Indiana Territory (1803); divided between Knox County, Indiana Territory, and Wayne County, Michigan Territory (1805); and given entirely to Knox County in 1816, with the establishment of the State of Indiana. Although what is now St. Joseph County remained, legally, a part of Knox County for some years thereafter, there was no county organization. With the formation of Sullivan County in 1817, Knox County became two disjointed areas. County organization existed only in the southern area. In 1828, most of the St. Joseph area was attached to Allen County for civil and criminal jurisdiction; a small portion was attached, oddly enough, to Tippecanoe and Carroll Counties, which had concurrent jurisdiction therein. In 1829, all of St. Joseph was attached to Cass County, for governmental purposes.¹⁴

The boundaries of the new County of St. Joseph were described in the law:

¹¹ Timothy Edward Howard, *A History of St. Joseph County, Indiana* (1907), 1:130-32.

¹² *Private Laws of the State of New York*, 1808, pp. 160-68.

¹³ Acts 1829-30, ch. 23, secs. 1-3.

¹⁴ Pence and Armstrong, *op. cit.*, *passim*.

"Beginning at range No. 2 west from the second principal meridian, of the State of Indiana, on the northern line of the state, thence running east, to where range No. 3 east, intersects the state line; thence south with the range line, thirty miles; thence west to range two west; thence north to the place of beginning."¹⁵

Since 1830, the legal boundaries have been changed a good many times, particularly in connection with the formation of new counties adjacent to St. Joseph. The present boundary was laid down in the law of March 8, 1931:

"Beginning at the point where the center line of range one (1) west of the second principal meridian intersects the state line between the State of Michigan and Indiana, thence south along said center line of range one (1) west to the southwestern corner of section fifteen (15), township thirty-seven (37) north, range one (1) west, thence east along the south line of section fifteen (15) and fourteen (14), township thirty-seven (37) north, range one (1) west to the northwest corner of section twenty-four (24), township thirty-seven (37) north, range one (1) west, thence south along the west line of sections twenty-four (24), twenty-five (25) and thirty-six (36), township thirty-seven (37) north, range one (1) west and sections one (1), twelve (12) and thirteen (13), township thirty-six (36) north, range one (1) west to the center of the Dixon W. Place ditch, thence down the center of said Dixon W. Place ditch to a point where a line protracted due north from the center of the channel of the beginning of the east branch of the Horace Miller ditch would intersect with said Dixon W. Place ditch, thence south along said line to said center of the channel of said Horace Miller ditch, thence down the center of said Horace Miller ditch to the intersection with the center line of Mud Lake Channel of the Dixon W. Place ditch, thence on the center line of said Mud Lake Channel of the Dixon W. Place ditch to the center line of range one (1) west, thence south along said Center line of range one (1) west to the south line of township thirty-five (35) north, thence east to the meridian line, thence north along said meridian line to the center line of township thirty-five (35) north, thence east along said center line of township thirty-five (35) north to the center line of range four (4) east, thence north along said center line of range four (4) east to the state line between the states of Indiana and Michigan, thence west along said state line to the place of beginning."¹⁶

The law establishing St. Joseph County became effective April 1, 1830. On April 17, the governor of Indiana commissioned Samuel L. Cottrell sheriff. It was intended at the time to hold an election of county officers in May. However, under date of June 24, the governor's record of commissions states that after information had been received that the commission had never reached Cottrell, "a duplicate appointment to Samuel L. Cottrell as sheriff is issued, and on alias writ of election for county officers, to be held 1st Monday of August next." On November 1, the record of commissions states, Benjamin McCarty

¹⁵ Acts 1829-30, ch. 23, sec. 1.

¹⁶ Acts 1931, ch. 115, sec. 2.

was appointed sheriff "until next annl Election in consequence of Cottrell's failing to give bond." At the same time, Daniel A. Fullerton was commissioned coroner.¹⁷ As a result of Cottrell's failure to give bond, his acts as sheriff were questioned and the general assembly found it necessary to correct matters by a law approved February 9, 1831. The law states that Cottrell served as sheriff to the board of justices from August to November, 1830, "without being legally elected and commissioned: and some doubts having arisen as to the legality of the proceedings of said board in consequence thereof; wherefore, 'Be it enacted . . . that the acts and proceedings of said board of justices . . . be and the same are hereby declared as legal and valid, as if the said Samuel L. Cottrell had been sheriff of said county according to law, at the taking place thereof.'"¹⁸

At the first election, held on the first Monday in August, 1830, William Brookfield and Charles Vail were elected associate judges of the circuit court; Lathrop M. Taylor, clerk of the circuit court, and recorder; Adam Smith, Lambert McComb, and Levi F. Arnold, justices of the peace.¹⁹ In accordance with an early state law, these and, in fact, all county officials had to take oath that they "have neither directly nor indirectly gave, accepted or knowingly carried a challenge to any person or persons to fight in a single combat, or otherwise with any deadly weapon, either in or out of this state . . ."²⁰

The three justices of the peace—Smith, McComb, and Arnold—constituting the board of justices for St. Joseph County, met for the first time on August 27, 1830, in the home of Alexis Coquillard, at South Bend, Coquillard's house was used for the transaction of public business during the early months of the county's existence. In this connection an interesting item appears in the minutes of the board for January, 1832. There it appears that when the board met at Coquillard's house, for the opening of the January term," . . . it not being convenient for the said Coquillard to furnish them a room in his house by request of the said Coquillard the Commissioners adjourned to the house of Calvin Lilly in the Town of South Bend in a room provided for them at the request of the said Alixas Coquillard . . ."²¹

THE COUNTY SEAT

The commissioners, chosen by the general assembly to select a seat of justice for St. Joseph County, accepted a donation from William Brookfield, whose farm lay a few miles southwest of South Bend. In

¹⁷ Executive Proceedings, 1823-36, p. 476.

¹⁸ Acts 1830-31 (special), ch. 46. Cottrell was paid by the board of justices for his services as sheriff (Commissioners' Record, 1:18).

¹⁹ Executive Proceedings, 1823-36, *loc. cit.* Commissioners' Record, 1:2.

²⁰ Acts 1816-17, ch. 39. This law arose from a determination on the part of citizens to stamp out dueling in Indiana. The movement was also in progress in other states.

²¹ Commissioners' Record, 1:1, 28. In November 1832, the commissioners allowed Calvin Lilly "the sum of seven dollars and fifty cents for House rent for Commissioners and Circuit Court" (*Ibid.*, 1:75).

September, 1830, the board of justices appointed Brookfield agent for the county and in November ordered him to hold "a public Vandur" on January 1, 1831, and every three months thereafter, for the disposal of lots in the new town of St. Joseph.²² Actually St. Joseph was the seat of justice on paper only, since the board met in South Bend.²³ By a law approved February 1, 1831, the general assembly appointed commissioners for the purpose of relocating the county seat.²⁴ These commissioners selected South Bend and received donations of land and money from Alexis Coquillard and Lathrop M. Taylor, whose bonds were guaranteed by Samuel Hanna, Joseph Rorer, Samuel Studebaker, and David H. Coldrick.²⁵

TOWNSHIPS

On November 29, 1830, the board of justices established four townships: Michigan, Deschemin, German, and Portage.²⁶ Subsequently the names and number of townships were frequently changed. On September 7, 1831, the townships were named Portage, Center, and Highland²⁷ and on March 6, 1832, changed to Penn, Portage, and Olive.²⁸ German Township was added in January, 1834;²⁹ Plymouth, in September, 1834;³⁰ and Greene and Harris, in January, 1836.³¹ Eventually the number of townships reached the present total of thirteen: Center, Clay, German, Greene, Harris, Liberty, Lincoln, Madison, Olive, Penn, Portage, Union, and Warren.³²

Several of the early townships included unorganized territory temporarily attached to St. Joseph County for civil and criminal jurisdiction. Some of these townships, such as Michigan and Highland, were entirely outside the boundaries of St. Joseph. The act of January 29, 1830, by which St. Joseph was organized, attached to the new county the region to the westward as far as the Illinois line.³³ A law of February 10, 1831, attached all unorganized territory lying west of the range line dividing ranges three and four east.³⁴ As new counties adjacent to St. Joseph were organized, these lands were detached from St. Joseph and their townships are now known as "lost" townships.

²² *Ibid.*, 1:7.

²³ Ernest V. Shockley, "County Seats and County Seat Wars in Indiana," *Indiana Magazine of History*, March 1914.

²⁴ Acts 1830-31 (special), ch. 15, sec. 1-4.

²⁵ Commissioners' Record, 1:15-17.

²⁶ *Ibid.*, 1:7, 8.

²⁷ *Ibid.*, 1:18, 19.

²⁸ *Ibid.*, 1:50, 51.

²⁹ *Ibid.*, 1:114, 115.

³⁰ *Ibid.*, 1:136.

³¹ *Ibid.*, 1:216, 217.

³² Howard, *op. cit.*, 1:275-302.

³³ Acts 1829-30, ch. 23, sec. 7.

³⁴ Acts 1830-31 (special), ch. 12, sec. 8.

TAXATION

At their August session, 1830, the justices "authorized and required" the clerk of the circuit court "to make out a duplicate of Taxes for the year 1830, and assess the highest amount of Taxes thereon allowed by the State Revenue Law . . ." It was not until the January term, 1832, that a detailed schedule of county taxes appeared:

"on horses, mules or asses over three years of age thirty-seven and a half cents, on each work ox eighteen and three-fourths cents, on covering horses at the rate they stand for the season, on brass clocks fifty cents, gold watches fifty cents, on silver or composition watches twenty-five cents, on each Poll fifty cents, and pleasure carriages that are lying on Metalic or leather springs of four wheels fifty cents and of two wheels twenty-five cents."³⁵

A state law of 1824 made collectors of revenue responsible for the entire amount of taxes levied, even though the collector was unable to obtain the funds from the assessed. In some counties, because of this law, no one wished to serve as collector of revenue. In others the county commissioners eased the burden by allowing credits to collectors for delinquencies. In St. Joseph County no difficulty was experienced in persuading citizens to serve as collector, since by this time the general assembly had removed the drawback.³⁶

At their September term, 1831, the commissioners established a ferry over the St. Joseph River at South Bend and licensed Nehemiah B. Griffith to operate the ferry. Griffith was "required to keep a good and sufficient flat boat to convey conveniently, over said River two horses and a wagon at one time" and to employ "twelve hands to attend the aforesaid ferry." In providing for the ferry, the commissioners issued a decree listing "rates of ferriage", in accordance with the statutes:

"For each person \$0.06¼; for a man and horse .12½; for one horse and wagon or carriage .25; for two Horses and wagon .31¼; for each additional horse with a wagon as above: .06¼; for oxen in wagons the same rates as horses; for loose cattle three cents a head; for hogs and sheep two cents a head."³⁷

In November, 1832, the commissioners ordered Griffith to build a flat boat 45 feet long and twelve feet wide. They further noted in the minutes that "It is understood that all persons belonging to or travelling with or forming a part of the load shall pass over in waggons at said Ferry free . . ."³⁸ In January, 1833, a petition to the commissioners set forth that the Griffith ferry was "wretchedly managed and that the public suffer a great inconvenience on account of the negligence of the keeper . . . and further that the said Ferry is not run where it was established by said board." The commissioners ordered Griffith to

³⁵ Commissioners' Record, 1:28.

³⁶ Rev. Laws 1824, ch. 86, secs. 20-26. Acts 1827-28, ch. 64, sec. 1.

³⁷ Commissioners' Record, 1:12. Acts 1816-17, ch. 29. Acts 1817-18 (general), ch.

45. Rev. Laws 1824, ch. 42. Rev. Laws 1831, p. 259.

³⁸ Commissioners' Record, 1:74, 75.

appear before them at their March term to defend himself.³⁹ At the appointed time the board heard "the evidence aduced" and revoked Griffith's ferry license.⁴⁰

TAVERNS

A series of statutes enacted by the general assembly in 1818 and following years laid down the conditions under which taverns might operate in Indiana. No credit for liquor greater than \$5 was to be extended, "except to travellers." Tavern keepers were forbidden to sell or barter liquor on Sunday—"except to travellers"—under pain of being fined \$3. County commissioners were ordered to license taverns and to fix tavern rates yearly. However, the provision relative to tavern prices ceased to be mandatory before the creation of St. Joseph County and the commissioners contended themselves with issuing licenses.⁴¹

EARLY COURT SESSIONS

There is a controversy as to the first session of the St. Joseph County Circuit Court. Years later Samuel L. Cottrell, who was the first sheriff of the county, had "an indistinct recollection" that the first court session occurred in November, 1830, at South Bend, in the woods, near the river bank.⁴² In support of this, we know that the board of justices, at their September session, 1830, anticipated a court session, for they selected a panel of grand jurors.⁴³ A year later, the board of commissioners chose the grand jurors for the court session of November, 1831.⁴⁴ Subsequently the board entered in their minutes the following item: "The Board of St. Joseph County Commissioners met . . . on Monday the 31st day of October A.D. 1831. Being the Monday proceeding the Term of the St. Joseph Circuit Court to be held in each said County on the 1st Monday of November."⁴⁵ The first recorded session of the court, however, occurred in October 1832.⁴⁶

COUNTY ORDERS

The new county was poor at first and, like other Indiana counties, issued county orders to pay for operating expenses. The orders circulated as currency (often discounted), and many peculiar transactions occurred. In some counties, officials would purchase orders at a discount, then take official action to redeem them at face value. In order to prevent such practices the legislature passed a law, in 1831, compelling all

³⁹ *Ibid.*, 1:79, 80.

⁴⁰ *Ibid.*, 1:84.

⁴¹ Acts 1817-18 (general), chs. 5, 47 and 57. Acts 1819-20, ch. 51. Acts 1820-21, ch. 36. Acts 1822-23, ch. 11. Acts 1825, ch. 71, sec. 4. Commissioners' Record, 1:12.

⁴² Timothy G. Turner, *Gazetteer of the St. Joseph Valley* (1867), 44.

⁴³ Commissioners' Record. 1:4.

⁴⁴ *Ibid.*, 1:11.

⁴⁵ *Ibid.*, 1:21.

⁴⁶ Order Book, 1:1.

persons doing county business to take oath that they would not, "either directly or indirectly, purchase or receive in payment, exchange, or in any way whatever, any demand against his county, or any county order for a claim allowed by the board doing county business, at any time during the period for which he may be elected, for a less amount than that expressed on the face of such order or demand against the county . . ."⁴⁷

We do not know whether the officials of St. Joseph were guilty of speculating in county orders, but in accordance with the statute, they were compelled to take the oath provided therein.⁴⁸

COUNTY INSTITUTIONS

There was no county almshouse during the early years of St. Joseph County. Paupers were "farmed out" in the homes of citizens, who were paid by the county. A typical case appears in the minutes for March 1838:

"Ordered by the board that George Parkinson be allowed out of the County Treasury the sum of fifteen dollars for boarding and nursing Miss Vanwick a pauper.

"Ordered . . . that Dr. H. Humphreyss be allowed . . . the sum of thirteen dollars for nursing and attendance upon Miss Vanwick a pauper.

"Ordered . . . That German and Landon be allowed . . . the sum of eight dollars for a coffin made by them for Miss Vanwick a pauper.

"Ordered . . . that David Trim be allowed . . . the sum of one dollar and 37½ cents for Rice mediums &c. furnished for Miss Vanwick a pauper.

"Ordered . . . that James Bauer be allowed . . . the sum of one dollar for digging the grave of Miss Vanwick a pauper."⁴⁹

Often the same names would appear in the minutes as paupers, year after year. That this phase of poor relief was not altered after the county began taking care of the poor in an almshouse, is indicated by a curious item that appeared in the *St. Joseph Valley Register* in 1867:

"Some 31 years ago Jonathan Beckwith, a young lawyer of decided promise, bought a pint of whisky, and, getting drunk, wandered out on Terre Coupee Prairie on a cold winter night, and was so badly frozen that he lost his reason and the use of his limbs, and has been ever since, until his death two weeks ago, an inmate of the county poor house, an insane cripple, and his keeping has cost the county no less than \$8,000!"⁵⁰

An early state law provided that certain fines, penalties, and forfeitures should accumulate in each county to found and maintain county seminaries.⁵¹ Subsequently, a law provided that when the seminary fund in a county should reach the amount of \$400, the trustees of the fund

⁴⁷ Rev. Laws 1831, ch. 20, sec. 19.

⁴⁸ Commissioners' Record, 1:10, 14, 15.

⁴⁹ *Ibid.*, 1:345, 346.

⁵⁰ *St. Joseph Valley Register* (South Bend), January 3, 1867.

⁵¹ Acts 1822-23, ch. 63. W. J. Wakefield, "County Seminaries in Indiana," *Indiana Magazine of History*, June 1915.

might procure a site and erect a seminary building.⁵² In St. Joseph County, states the *St. Joseph Valley Register*, the cost of the building erected in 1845, was "defrayed by the Seminary Fund (formed by the collection of fines for the breach of penal laws, thus making the penalties of Vice contribute to the advancement of Virtue and Intelligence) aided by the subscription of private individuals."⁵³ The building was of brick, two stories, 30 feet by 40 feet, with a cupola. A few months later, the cupola was struck by lightning one night and "considerably injured."⁵⁴ School sessions were of six weeks' duration, under the direction of Principal H. Wheeler and Miss L. C. Meritt, "instructress in the female department."⁵⁵ Subsequently, Principal C. M. Wright ran a newspaper advertisement asking that those indebted to the seminary pay up so that he could pay the teachers.⁵⁶ In the end, the law ordered the sale of the county seminary property in Indiana and the transfer of the proceeds to the common school fund.⁵⁷

By the act establishing St. Joseph County, the general assembly ordered that ten percent of the proceeds from the sale of county-seat town lots be reserved for the maintenance of a county library. Such a library was established in the county, but information concerning it is meager. It probably ceased to exist when township libraries, stocked by the state, were established in the 1850's.⁵⁸

The first newspaper in the county was the *Northwestern Pioneer and St. Joseph's Intelligencer*, which John D. and Joseph H. Defrees began publishing at South Bend in November 1831. It was a Whig paper. After a few months the name became the *St. Joseph Beacon* and subsequently publication was suspended. There were other ephemeral papers, such as the *South Bend Free Press* (1836-45) and the *St. Joseph Valley Register* which began with the issue of September 12, 1845.

The St. Joseph County Anti-Tuberculosis League pioneered in the treatment of tuberculosis, but found the task beyond its financial resources. The county council appropriated \$15,000 in 1914 for the erection of a tuberculosis hospital. This institution, known as the Healthwin Sanatorium, is located on the St. Joseph River, north of South Bend, and was opened in the fall of 1914. Over one thousand patients are treated annually.

TRANSPORTATION AND INDUSTRIES

An important factor in the early development of St. Joseph County was the Michigan Road. As originally surveyed, this highway proceeded from Michigan City to Indianapolis by the most direct route. Shortly after the creation of the county, it was found to run over marshy soil and, therefore, was rerouted through South Bend.

⁵² Rev. Laws 1831, ch. 90. Rev. Stat. 1838, ch. 98.

⁵³ *St. Joseph Valley Register*, September 26, 1845.

⁵⁴ *Ibid.*, August 7, 1846.

⁵⁵ Advertisement of the seminary that ran in the *Register* during October 1845.

⁵⁶ *Ibid.*, July 24, 1846. See also the issue of January 9, 1846.

⁵⁷ Rev. Stat. 1852, ch. 97.

⁵⁸ Acts 1829-30, ch. 23, sec. 5. *South Bend Free Press*, February 7, 1837.

A second important means of transportation in the 1830's was the St. Joseph River. Steamboats of shallow draft—such as the *Matilda Barney* and the *David Crockett*—plied from points in Michigan Territory to Lake Michigan by way of South Bend. A great deal of freight was carried on flatboats, barges, and keelboats.⁵⁹

Today the river is no longer used for transportation. Instead, the county is traversed by the South Shore electric line and by seven steam railroads: Grand Trunk, Michigan Central, New York Central, Wabash, Baltimore and Ohio, Pennsylvania, and the Nickel Plate. In addition to the railroads, there is a number of bus routes and trucking services. Several main highways pass through the county.

In 1834, a man named A. M. Hurd brought the iron industry to northern Indiana. Upon the site of the present city of Mishawaka, he laid out a town "five by six blocks square" which he called St. Joseph Iron Works. Mention of the town is made in the minutes of the county commissioners for 1834.⁶⁰ At the head of the river rapids, Hurd constructed a small wing dam in order to convey water by means of a ditch to a place where it could be used for power. At that point he built a small smelting furnace and a mill. "The necessary machinery," says Shannon, "which consisted mainly of a large cast iron cylinder blower, was hauled through the woods from Detroit by oxen." Heavy timber lay close by and furnace men and charcoal burners came from the mill districts of Ohio. Local "bog ore" was used, which was obtained from the farmers. The latter were paid one-fourth in cash and the remainder in goods from the company's store. Such wares as castings and kettles were manufactured—kettles for use in making maple sugar and larger kettles for turning the ashes left after burning the timber into pot and pearl ash. About 1858, the smelting of ore was discontinued, probably due to the high cost of charcoal and a falling off in the supply of ore.⁶¹

Industries sprang up in the county during the last half of the nineteenth century. Henry and Clement Studebaker, who settled in South Bend in 1852, began manufacturing products that became world famed: Studebaker wagons and carriages. The *New York Sun*, in comment, once said: "How rarely now one sees a foreign name-plate on a carriage in New York! How often a few years ago! There is no question but that Studebaker did most to make American carriages better than those of Europe—better in character and style of design, better in workmanship."⁶² In 1902, the Studebaker firm began the manufacture of motor cars. James Oliver, a native of Scotland, came with his parents to Mishawaka about 1836. In 1868, he formed the Oliver Chilled Plow

⁵⁹ For a list of arrivals and departures, see the *Northwestern Pioneer and St. Joseph's Intelligencer* for November 23, 1831. In the issue of January 4, 1832, a citizen of St. Joseph County discusses navigation of the river. For additional items concerning steamboats, see the issues of January 25, April 25, May 9, July 4, and August 1, 1832.

⁶⁰ Commissioners' Record, 1:135, 143.

⁶¹ Charles W. Shannon "The Iron Ore Deposits of Indiana," *Indiana Geological Report*, 1906, pp. 350-55. G. M. Levette, *op. cit.*, 459.

⁶² *New York Sun*, September 4, 1904.

Works. Many other industries settled in the county until today there is scarcely a manufactured article that is not produced there.

AGRICULTURE AND EDUCATION

In the beginning, the county was primarily agricultural. With the increase in factories, came the rise in truck farming necessary to feed the cities of South Bend and Mishawaka. One crop that has become an important product is mint, for which the muck soil of the county is well suited, although it is not as extensively grown toward as formerly.⁶³

The principal educational institution of the county is the University of Notre Dame, located at South Bend. It was founded in 1842 and chartered by the legislature in 1844. About a mile from the university lies St. Mary's Academy. Both the university and the academy are Catholic schools.

POPULATION

In 1840, St. Joseph County had a population of 6,425. This figure increased as follows: 1890, 42,457; 1920, 103,304; 1930, 160,033.⁶⁴ The sharp rise in recent decades is due to the rapid growth of South Bend and Mishawaka.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

INTRODUCTION

HISTORICAL BACKGROUND

The county system of government is an inheritance from England and the American colonies, whence pioneers brought their customs and laws. Its beginnings in Indiana are found in the Ordinance of 1787, enacted by Congress for the government of the Territory of the United States Northwest of the Ohio River; in the act of Congress of May 7, 1800, creating Indiana Territory; and in the laws of the Northwest Territory, 1788-1800, and of the Indiana Territory, 1801-15, enacted by the territorial general assemblies.

In 1780, 1784, and 1786, New York, Virginia, Massachusetts, and Connecticut ceded to the United States their claims to all the land north of the Ohio River, comprising the present Indiana, Illinois, Michigan, Ohio, Wisconsin, and part of Minnesota. This land became known as the Northwest Territory.¹ The Ordinance of 1787 authorized the creation

⁶³ E. J. Quinn, *op. cit.*

⁶⁴ *Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as obtained . . . from the Returns of the Sixth Census: 1840*, p. 82. *Compendium of the Eleventh Census of the United States: 1890, Population*, pt. 1:125. *Fourteenth Census of the United States: 1920, Population*, pt. 1:103. *Fifteenth Census of the United States: 1930, Population*, 3: pt. 1:740.

¹ Burns, vol. 1, pp. 285-87. Clarence E. Carter, editor, *The Territorial Papers of the United States*, 2:3 ff.

of counties by proclamation of the governor until the organization of the territorial general assembly, and thereafter by the latter;² which authority was continued by the act of Congress creating Indiana Territory.³ The governor of the Northwest Territory, by proclamation of June 20, 1790, created Knox County, embracing all of what is now Indiana (as well as parts of Illinois, Michigan, Ohio, and Wisconsin),⁴ which remained the only county in Indiana until 1801.

By act of May 7, 1800, effective July 4, 1800, Congress created Indiana Territory, embracing all of the original Northwest Territory west of the Greenville Treaty line, running from a point opposite the mouth of the Kentucky River to Fort Recovery, and a line thence due north to the territorial boundary in Lake Superior. From July 4, 1800 until March 1, 1803, parts of the present Indiana counties of Dearborn, Franklin, Ohio, Randolph, Switzerland, Union, and Wayne belonged to reduced Northwest Territory. From June 30, 1805 until April 19, 1816, parts of the present Indiana counties of Elkhart, La Grange, La Porte, Porter, St. Joseph, and Steuben belonged to Michigan Territory.⁵

Indiana, with its present boundaries, was admitted to the Union in 1816.⁶ The constitution of that year provided for the election in each county of a clerk of the circuit court,⁷ a recorder,⁸ a sheriff, and a coroner.⁹ All territorial laws not inconsistent with the constitution were continued in force until they expired or were repealed.¹⁰

St. Joseph County, embracing lands previously attached to Cass County, was created by act of the general assembly of January 29, 1830, effective April 1, 1830.¹¹ The county seat is South Bend.¹²

The second constitution was adopted in 1851, and with amendments remains the present Constitution of the state. The Revised Statutes of 1852, which became effective in 1853, repealed, with certain specified reservations, all laws except those re-enacted in the code.¹³ No code of laws has been adopted by the general assembly since 1853.

² Laws N. W. Terr., Ordinance of 1787, p. 125; Burns, vol. 1, p. 288.

³ U. S. *Public Statutes at Large*, 2:58; Burns, vol. 1, p. 296.

⁴ William Henry Smith, editor, *St. Clair Papers*, 2:166n. George Pence and Nellie C. Armstrong, *Indiana Boundaries*, 21, 514, 515.

⁵ U. S. *Public Statutes*, 2:58, 174; 3:289. Burns, 1:301. Pence and Armstrong, *op. cit.*, 11, 12, 138-43.

⁶ U. S. *Public Statutes*, 3:289, 399; Burns, vol. 1, pp. 301-5.

⁷ Const. 1816, art. 5, sec. 8.

⁸ *Ibid.*, art. 11, sec. 10.

⁹ *Ibid.*, art. 4, sec. 25.

¹⁰ *Ibid.*, art. 12, sec. 4.

¹¹ Acts 1828-29, chs. 19, 20. Acts 1829-30, ch. 23. Pence and Armstrong, *op. cit.*, 718.

¹² On May 24, 1830, the first county seat was located on the farm of William Brookfield, at the portage of the St. Joseph and Kankakee Rivers, at which the village of St. Joseph was laid out. On May 12, 1831, the county seat was moved to South Bend, where it has since remained. Pence and Armstrong, *op. cit.*, 718. *History of St. Joseph County* (1880), 360-62. John B. Stoll, *An Account of St. Joseph County from Its Organization*, 32-34.

¹³ Const., art. 7, sec. 20. Acts 1851-52 (special and local), chs. 44, 63. 1 Rev. Stat. 1852, p. xv; ch. 92. 2 Rev. Stat., p. vii. Acts 1853, ch. 105. Jones v. Gavins, 4 Ind. 305.

SCOPE OF COUNTY GOVERNMENT

A county is an involuntary corporation, organized by the general assembly, the sovereign power, as a political subdivision of the state, solely for governmental purposes. It is an instrumentality of government, exercising the powers delegated by the state and acting for the state. County officers are but agents of the state. The authority of the county and its officers and agents is limited to that expressly or impliedly conferred upon them by the general assembly. Except as limited by the Constitution, the general assembly has full power to create, modify, and abolish counties, and to prescribe their powers, governmental organization, and liabilities.¹⁴

Before the adoption of the present Constitution in 1851, the general assembly had full power to enact local or special laws concerning county matters, and many of such laws were enacted; but the present Constitution prohibits the enactment of local or special laws concerning several specified subjects affecting county organization and functions.¹⁵ The general assembly often passes laws applicable to counties and cities having a specified population and to counties containing cities of a specified population. Such laws are sometimes upheld¹⁶ and sometimes held unconstitutional.¹⁷ Laws made applicable to localities having property of specified assessed valuation have been upheld.¹⁸ Sometimes a law affecting county organization or functions provides that it shall become operative in any county when approved by the voters or the board of commissioners of that county. The offices and courts created by the Constitution exist in every county, but there is variation as to offices, boards, agencies, and courts created by statute.

The officers for county government provided for by the constitution are the judge¹⁹ and the clerk²⁰ of the circuit court, prosecuting attorney,²¹

¹⁴ *Gavin v. Board of County Comrs.*, 104 Ind. 201, 3 N. E. 846; *Applegate v. Pettyjohn*, 205 Ind. 122, 125, 185 N. E. 911; *McDermott v. Board of County Comrs.*, 60 Ind. App. 209, 110 N. E. 237; *Buck v. Indiana Const. Co.*, 79 Ind. App. 329, 138 N. E. 356.

Const., art. 6, sec. 10, provides: "The General Assembly may confer upon the boards doing county business in the several counties, powers of a local administrative character."

¹⁵ Const., art. 4, secs. 22, 23.

¹⁶ *State ex rel. Hargrove v. Reitz*, 62 Ind. 159; *Campbell v. Indianapolis*, 155 Ind. 186, 57 N. E. 920; *Bullock v. Robison*, 176 Ind. 198, 93 N. E. 998; *Wayne Tp. v. Brown*, 205 Ind. 437, 186 N. E. 841; *Crowe v. Board of County Comrs.*, 210 Ind. 404, 3 N. E. (2d) 76; *Meara v. Brindley*, 207 Ind. 657, 194 N. E. 351; *Groves v. Board of County Comrs.*, 209 Ind. 371, 199 N. E. 137; *Board of County Comrs. v. Crowe*, — Ind. —, 14 N. E. (2d) 907.

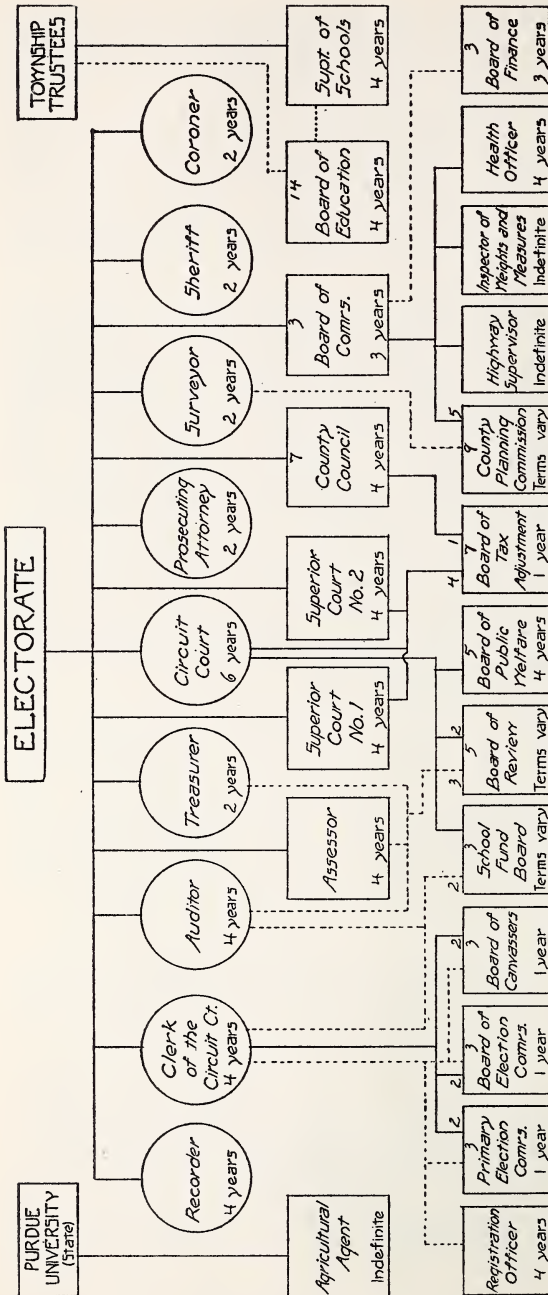
¹⁷ *Campbell v. Indianapolis*, 155 Ind. 186, 57 N. E. 920; *Rushville v. Hayes*, 162 Ind. 193, 70 N. E. 134; *Bumb v. Evansville*, 168 Ind. 272, 80 N. E. 625; *Kraus v. Lehman*, 170 Ind. 408, 83 N. E. 714; *Bullock v. Robison*, 176 Ind. 198, 93 N. E. 998; *Boberg v. Harlem*, 194 Ind. 310, 142 N. E. 705; *Heffelfinger v. Ft. Wayne*, 196 Ind. 689, 149 N. E. 555; *Heckler v. Conter*, 206 Ind. 376, 187 N. E. 878; *Crowe v. Board of County Comrs.*, 210 Ind. 404, 3 N. E. (2d) 76.

¹⁸ *Bruber v. State ex rel. Welliver*, 196 Ind. 436, 148 N. E. 481; *Board of County Comrs. v. Crowe*, — Ind. —, 14 N. E. (2d) 903.

¹⁹ Const., art. 7, secs. 1, 8, 9.

²⁰ *Ibid.*, art. 6, sec. 2.

²¹ *Ibid.*, art. 7, sec. 11.



Board of Tax Adjustment, selection of two members not indicated: One, the Mayor of South Bend or his appointee, one, a member of the South Bend city plan commission, and one, a member of the Fishermen's city plan commission.

County Planning Commission, selection of three members not indicated: One, the agricultural agent; one, a member of the South Bend city plan commission; and one, a member of the Fishermen's city plan commission.

The township trustees and the superintendent of schools constitute the Board of Education.

*Circles - constitutional officers.
Squares - statutory officers.
Figures - number of members and term of office.
Solid lines - elected or appointed.
Broken lines - ex officio.*

CHART OF ST. JOSEPH COUNTY GOVERNMENTAL ORGANIZATION, 1939

auditor, recorder, treasurer, sheriff, coroner, and surveyor.²² In addition, in St. Joseph County, the general assembly has created²³ these offices and boards: Agricultural agent, assessor, board of canvassers, board of commissioners, board of education, board of election commissioners, board of finance, board of primary election commissioners, board of review, board of tax adjustment, county council, county planning commission, department of public welfare, health officer, highway supervisor, inspector of weights and measures, registration officer, school fund board, superintendent of schools, and judges of Superior Court No. 1 and Superior Court No. 2. All of these offices and boards are discussed separately in Part B of this book. A commission of public records and a magistrate's court were provided for by the general assembly in 1939, but these acts are not effective at the time of writing.²⁴

The constitution provides that no person shall be elected or appointed as a county officer who is not an elector of the county or who was not an inhabitant thereof "during one year next preceding his appointment";²⁵ and that all county officers shall reside within their respective counties and shall keep their respective offices at such places therein and perform such duties as may be directed by law.²⁶ A county officer, within the meaning of these provisions, is a person by whom a county performs its usual functions of government.²⁷

Each officer and deputy, before entering on his official duties, must take oath that he will support state and federal constitutions, and faithfully discharge his duties.²⁸ Deputies may be appointed by the assessor,²⁹ registration officer,³⁰ auditor, clerk of the circuit court, superintendent of schools, coroner, prosecuting attorney, recorder, sheriff, surveyor, and treasurer; and the appointing officer may require the deputy to give bond;³¹ and the deputies must take the same oath, may perform all the official duties of such principals, and are subject to the same regulations and penalties;³² principals are responsible for official acts of their deputies.³³

GENERAL ADMINISTRATION

From 1852 until 1899, the general administrative control of the county was vested in the board of commissioners, then and now consist-

²² *Ibid.*, art. 6, sec. 2.

²³ *Ibid.*, secs. 3, 10. For statutory citations, see the legal status essays of these offices in Part B of this volume.

²⁴ Acts 1939, chs. 91, 164.

²⁵ Const., art. 6, sec. 4. County superintendent of schools and superintendent of county asylum are not county officers within the meaning of this provision. *State ex rel. Osborn v. Eddington*, 208 Ind. 160, 195 N. E. 92; *State ex rel. Wickens v. Clark*, 208 Ind. 402, 196 N. E. 234.

²⁶ Const., art. 6, sec. 6.

²⁷ *State ex rel. Osborn v. Eddington*, 208 Ind. 160, 195 N. E. 92.

²⁸ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101 Baldwin 13054.

²⁹ Acts 1919; Burns 64-1102; Baldwin 15698.

³⁰ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin 7304.

³¹ Acts 1925; Burns 49-501; Baldwin 13108. Acts 1937; Burns, 1938 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

³² 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

³³ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110.

ing of three members elected for three-year terms,³⁴ The County Reform Law, enacted in 1899, created the county council, consisting of seven members elected for four-year terms, and transferred to the council many of the powers of a fiscal nature previously exercised by the board of county commissioners.³⁵ Excepting the functions of the county council, the board of commissioners still has general administrative control of county matters.³⁶

The county council has exclusive power: To fix the rate of taxation for county purposes, and for all purposes where the rate not fixed by law is required to be uniform throughout the county;³⁷ to make appropriations of money to be paid out of the county treasury (and no money can be drawn from the treasury without such appropriation, except in the instances specified hereinafter under the heading Finance);³⁸ to adopt the annual county budget;³⁹ to authorize the borrowing of money for the county;⁴⁰ and to authorize the sale or conveyance or purchase by the county of real estate of the value of \$1,000 or more.⁴¹ The county council and the board of commissioners, acting together, perform the following duties: Approve the acceptance of lands given or devised to the county for purposes of a public forest;⁴² hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit or superior court;⁴³ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;⁴⁴ and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense of same.⁴⁵

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of St. Joseph."⁴⁶ In legal contemplation, the board is the county.⁴⁷

CONTRACTS

The board of commissioners, as the general governing body of the county, is the agency entrusted with the making of contracts for the

³⁴ 1 Rev. Stat. 1852; Burns 26-620; Baldwin 5236.

³⁵ Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. See *Snider v. State ex rel. Leap*, 206 Ind. 474, 190 N. E. 178.

³⁶ 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215 to 5360.

³⁷ Acts 1899; Burns 26-515; Baldwin 5379.

³⁸ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

³⁹ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384.

⁴⁰ Acts 1929; Burns 26-532; Baldwin 5396. Acts 1933; Burns 26-1022; Baldwin 5397.

⁴¹ Acts 1899; Burns 26-534; Baldwin 5399.

⁴² Acts 1929; Burns 32-105; Baldwin 4879.

⁴³ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

⁴⁴ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

⁴⁵ Acts 1935; Burns, 1938 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

⁴⁶ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

⁴⁷ *Dice v. County Board of Finance*, 99 Ind. App. 405, 192 N. E. 770.

purchase of materials and supplies for all county offices, and for the construction of county buildings and other public improvements.⁴⁸

In making contracts, the board is confined to "the powers expressly granted to it by the act of its creation, and to the implied powers incidental and necessary to the execution of such expressed powers and the performance of the duties enjoined upon it."⁴⁹ The board cannot bind the county by any contract which is beyond the scope of its powers.⁵⁰ While contracts made by the board are ordinarily in writing, the board may, in certain cases, bind the county by parol contracts.⁵¹

Though the statutes prescribing the methods of letting contracts vary in detail, their general features are fairly uniform. The board is usually required to prepare specifications of commodities to be purchased or work to be performed, together with plans, drawings, or models, if necessary or desirable, and to place these on file in the auditor's office for public inspection. Notice is then given by publication in newspapers of general circulation that the specifications are on file for examination and that sealed bids will be received up to a certain date. The board, after examination of the bids submitted, is required to award the contract to the lowest responsible bidder, or, in some instances, the lowest and best bidder.⁵² The right is usually reserved to the board, however, to reject any and all bids, if they are unsatisfactory, and re-advertise for new bids. Contracts cannot be made unless money has previously been appropriated by the county council for the particular purpose involved.⁵³

As a general rule, the time for performance of a contract may extend beyond the official terms of the county commissioners, if the contract is made in good faith.⁵⁴ A contract employing an attorney is an exception to this rule.⁵⁵

ACTIONS

Ordinarily, an action for or against the county is brought by or against the board of commissioners.⁵⁶ An action to recover money from the county cannot be maintained until a claim therefor has been presented to the board of commissioners and disallowed in whole or in part;

⁴⁸ Acts 1899, 1903, 1933; Burns 26-536, 26-537; Baldwin 5401, 5402. Acts 1907; Burns 26-2001 to 26-2009; Baldwin 5100 to 5108. Acts 1913, 1929, 1933; Burns 53-101 to 53-106; Baldwin 14079 to 14083.

⁴⁹ *Hight v. Board of County Comrs.*, 68 Ind. 575, 577.

⁵⁰ *Driftwood Turnpike Co. v. Board of County Comrs.*, 72 Ind. 226; *Board of County Comrs. v. Bradford*, 72 Ind. 455.

⁵¹ *McCabe v. Board of County Comrs.*, 46 Ind. 380; *Board of County Comrs. v. Ritter*, 90 Ind. 362.

⁵² The courts have held that provisions of this nature vest some discretion in the board in determining the bidder to whom the contract shall be awarded. *Ness v. Board of County Comrs.*, 178 Ind. 221, 98 N. E. 33; *Eigenmann v. Board of County Comrs.*, 53 Ind. App. 1, 101 N. E. 38.

⁵³ Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391.

⁵⁴ *Board of County Comrs. v. Shields*, 130 Ind. 6, 29 N. E. 385; *Jessup v. Hinchman*, 77 Ind. App. 460, 133 N. E. 853.

⁵⁵ *Board of County Comrs. v. Taylor*, 123 Ind. 148, 23 N. E. 752.

⁵⁶ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220. *Shilling v. State ex rel. Board of County Comrs.* 158 Ind. 185, 62 N. E. 49.

but the complaint in such suit need not allege such presentation and disallowance, this being a matter of defense.⁵⁷ If the allowance of a claim was illegal, unwarranted, or unauthorized, the board of commissioners may sue to recover from the payee the amount paid. If the board does not bring such suit within 60 days after such allowance, any taxpayer may demand such suit; and if such demand is refused, the taxpayer may sue for the county.⁵⁸ If money is illegally paid out of the county treasury, suit to recover same from the payee may be maintained in the name of the state on the relation of the board of commissioners or the officer making disbursement. If such suit is not brought within 30 days, any citizen or taxpayer may make written demand on the board of commissioners to bring such suit; and if the board fails or refuses to do so, he may bring suit in the name of the state on his own relation.⁵⁹

The board of commissioners, as relating, may sue, in the name of the state, on official bonds to recover county funds.⁶⁰ The auditor, as relator, may sue, in the name of the state, to recover money owing to the county.⁶¹

The treasurer sues in his name, as treasurer, to collect property taxes.⁶² Suit to collect inheritance taxes is brought in the name of the county.⁶³ After a claim therefor has been disallowed by the board of commissioners, the taxpayer may sue the board of commissioners to recover taxes illegally assessed or collected.⁶⁴

Land needed by the county for public buildings,⁶⁵ highways, bridges, culverts,⁶⁶ drainage, sewers,⁶⁷ or airports⁶⁸ may be acquired by the county under its power of eminent domain. The board of commissioners, after examining and surveying the land and attempting to purchase it, adopts a resolution that the acquisition of the land is needed for a specified purpose, and thereafter files a complaint, in the corporate name of the county, in the circuit court or superior court.⁶⁹ Notice is given to the

⁵⁷ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. *Bass Foundry & Mach. Works v. Board of County Comrs.*, 115 Ind. 234, 17 N. E. 593; *Board of County Comrs. v. Tichener*, 129 Ind. 562, 29 N. E. 32; *Mueller v. Board of County Comrs.*, 73 Ind. App. 196, 127 N. E. 15.

⁵⁸ Acts 1897; Burns 26-811; Baldwin 5251. *Sudbury v. Board of County Comrs.* 157 Ind. 446, 62 N. E. 45.

⁵⁹ Acts 1899; Burns 26-545; Baldwin 5410.

⁶⁰ Acts 1881 (Spec. Sess.); Burns 2-203; Baldwin 18. *Graham v. State ex rel. Board of County Comrs.*, 66 Ind. 386; *Shilling v. State ex rel. Board of County Comrs.*, 158 Ind. 185, 62 N. E. 49.

⁶¹ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Vanarsdall v. State ex rel. Watson*, 65 Ind. 176; *Demarest v. Holdeman*, 157 Ind. 467, 62 N. E. 17.

⁶² Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

⁶³ Acts 1931; Burns 6-2415; Baldwin 15953.

⁶⁴ Acts 1919; Burns 64-2819; Baldwin 15881. Acts 1923; Burns 64-2824; Baldwin 15884. *Cody v. Board of County Comrs.*, 204 Ind. 87, 183 N. E. 404; *Board of County Comrs. v. Millikan*, 207 Ind. 142, 190 N. E. 185.

⁶⁵ Acts 1899; Burns 26-2101; Baldwin 5109.

⁶⁶ Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1938 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

⁶⁷ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

⁶⁸ Acts 1920 (Spec. Sess.); Burns 14-302; Baldwin 7991.

⁶⁹ Acts 1905; Burns 3-1701; Baldwin 14061. Acts 1905, 1935; Burns, 1938 suppl., 3-1702; Baldwin, 1935 suppl., 14062. Acts 1899; Burns 26-2101; Baldwin 5109.

owner, appraisal is made, and hearing is had before the court. The court condemns the land and determines the value thereof, and the value is paid, on order of the board of commissioners, by warrant drawn by the auditor on the treasurer. The clerk of the court, as directed by the court, executes a deed to the county and delivers it to the board of commissioners.⁷⁰

The action of mandamus may be brought against any county officer to compel the performance of any act which the law specifically enjoins, or any duty resulting from his office or trust.⁷¹ For example, mandamus lies to compel: The auditor to draw warrants on the county treasury;⁷² the board of commissioners to take action on claims that have been properly presented;⁷³ the county council to make appropriations;⁷⁴ the board of commissioners to approve official bonds;⁷⁵ the board of commissioners to repair or rebuild bridges.⁷⁶

In some instances, a county officer can be enjoined from acting illegally. Some of the acts prevented by injunction are: Collection of illegal taxes;⁷⁷ doing of illegal acts that would increase taxation;⁷⁸ payment of illegal claims;⁷⁹ making an illegal contract.⁸⁰

The county is not liable for damages resulting from the acts or omissions of its officers, except where such liability is imposed or permitted by statute.⁸¹

Failure of the county council to make appropriation for the debt or demand constituting the subject-matter of the suit does not prevent maintenance of the suit or recovery of judgment.⁸² No judgment against a county is enforceable except out of moneys appropriated by the county council for that purpose; but, by mandamus proceedings against the county council, board of commissioners, and auditor, the county council may be compelled to make such appropriation.⁸³ When any judgment is obtained against the board of commissioners, the public property of the county is liable therefor; but the court rendering such judgment may, before issuing execution, allow a reasonable time for the county to assess

⁷⁰ Acts 1905, 1935; Burns, 1938 suppl., 3-1703, 3-1706; Baldwin, 1935 suppl., 14063, 14066. Acts 1905; Burns 3-1704, 3-1705, 3-1707 to 3-1712; Baldwin 14064, 14065, 14068 to 14072. Acts 1899; Burns 26-2102 to 26-2106; Baldwin 5110 to 5114.

⁷¹ Acts 1881 (Spec. Sess.), 1911; Burns 3-2202; Baldwin 1091.

⁷² Gill v. State ex rel. Board of County Comrs., 72 Ind. 266.

⁷³ Board of County Comrs. v. State ex rel. Reed, 179 Ind. 644, 102 N. E. 97.

⁷⁴ Shelby County Council v. State ex rel. School of Shelbyville, 155 Ind. 216, 57 N. E. 712.

⁷⁵ State ex rel. Taylor v. Board of County Comrs., 124 Ind. 554, 25 N. E. 10.

⁷⁶ State ex rel. Roundtree v. Board of County Comrs., 80 Ind. 478.

⁷⁷ Hobbs v. Board of County Comrs., 103 Ind. 575, 3 N. E. 263.

⁷⁸ State ex rel. Davis v. Board of County Comrs., 165 Ind. 262, 74 N. E. 1091.

⁷⁹ Warren Agr. Joint Stock Co. v. Barr, 55 Ind. 30. But see Bentley v. Board of County Comrs., 102 Ind. App. 533, 200 N. E. 499.

⁸⁰ Farris v. Jones, 112 Ind. 498, 14 N. E. 484.

⁸¹ State ex rel. Board of County Comrs. v. Board of County Comrs., 170 Ind. 595, 608, 85 N. E. 513.

⁸² Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs. v. Pike Civil Tp., 168 Ind. 535, 81 N. E. 489.

⁸³ Acts 1899; Burns 26-528; Baldwin 5392.

and collect a sufficient amount of revenue to pay and discharge such judgment.⁸⁴

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all suits in which the county may be interested or involved,⁸⁵ including suits to collect taxes⁸⁶ or to recover tax penalties and forfeitures⁸⁷ and suits against officers or on their bonds.⁸⁸ The prosecuting attorney must make a report to the board of commissioners each month showing the causes in which he appeared in person or by deputy.⁸⁹

FINANCE

TAXATION

The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.⁹⁰ The constitution provides that "the general assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."⁹¹ This section applies only to a general assessment on property according to its value, and does not apply to excise or license taxes.⁹²

In Indiana, there are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges, and includes tax on occupations, inheritance, sale of gasoline, and the like. Laws imposing excise taxes are sometimes called "internal revenue laws." The property tax is the tax on real and personal property based on value, and it constitutes the largest part of the county revenue. Property may be subject to an excise tax and also a property tax.

A poll tax is assessed on every male inhabitant of this state between the ages of 21 and 50 years.⁹³ Poll tax exemptions are allowed to the following persons: Firemen,⁹⁴ militiamen, soldiers, and sailors,⁹⁵ and persons exempted by the county commissioners because of inability to

⁸⁴ 1 Rev. Stat. 1852; Burns 26-803; Baldwin 5253.

⁸⁵ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

⁸⁶ Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1937; Burns, 1938 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1519; Baldwin 15633, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15574. Acts 1933, 1937; Burns, 1938 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

⁸⁷ Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815.

⁸⁸ Acts 1917; Burns 60-227; Baldwin 13878.

⁸⁹ Acts 1933; Burns 49-2695; Baldwin 7550.

⁹⁰ State ex rel. Goodman v. Halter, 149 Ind. 292, 47 N. E. 665; Dunn v. Indianapolis, 208 Ind. 630, 196 N. E. 528; Miles v. Department of Treasury, 209 Ind. 172, 199 N. E. 372.

⁹¹ Const., art. 10, sec. 1.

⁹² State Bd. of Tax Comrs. v. Jackson, 283 U. S. 527, 75 L. Ed. 1248, 51 Sup. Ct. 540; Miles v. Department of Treasury, 209 Ind. 172, 199 N. E. 372; Davis v. Sexton, 210 Ind. 138, 200 N. E. 233.

⁹³ Acts 1919; Burns 64-102; Baldwin 12607.

⁹⁴ Acts 1933, 1935; Burns, 1938 suppl., 48-6134; Baldwin, 1935 suppl., 8227.

⁹⁵ Acts 1919, 1920 (Spec. Sess.), 1921, 1933; Burns 45-1210, 64-201; Baldwin 10917, 15518. Acts 1937; Burns, 1938 suppl., 64-220; Baldwin, 1937 suppl., 15515-1.

pay.⁹⁶ The auditor certifies to the city officials the number of taxable polls therein.⁹⁷ Poll tax is collected by the county treasurer. A poll tax receipt must be presented to any licensing authority to obtain a license.⁹⁸

The tax on financial institutions is an excise tax⁹⁹ (in lieu of all other taxes) on banks, trust companies, and building and loan associations. It is administered by the county auditor and county treasurer under the supervision of the state board of tax commissioners.¹

The inheritance tax is an excise tax administered by the county assessor and the county treasurer, under the supervision of the state board of tax commissioners, and by the courts exercising probate jurisdiction. Schedule must be filed with the court within 12 months after the death of decedent. Notice is given to the interested parties, the estate is appraised, and the court determines the amount of tax due. The court appoints the county assessor as the appraiser in every estate; and he appraises all property at the fair market value, as of the date of the transfer.² The appraiser makes his report in duplicate, one copy to the court and one copy to the state board of tax commissioners.³ The treasurer collects the tax and issues receipt in duplicate, one copy of which is sent to the state board; and no final accounting of an estate is made until such receipt is countersigned by that board.⁴ The treasurer must report quarterly all inheritance taxes received by him. All such collected taxes are transmitted by the county treasurer, by warrants issued by the county auditor, to the treasurer of state.⁵ When directed by the court to do so, the prosecuting attorney sues to collect the tax.⁶

The intangibles tax is a stamp tax (excise tax)⁷ on notes, stocks, bonds, and other evidences of property interests or obligations for payment of money. This tax is administered by the county assessor⁸ and the county treasurer, under the supervision of the state board of tax commissioners. Stamps are issued by the state board and sold by the county treasurer.⁹ The taxpayer is required to file with his tangible personal property schedule an affidavit showing that he has complied with the intangibles tax law.¹⁰ If the tax is not paid when due, it is entered on the tax duplicate of the county where the taxpayer resides or his property is located. Omitted property may be assessed by any

⁹⁶ 1 Rev. Stat. 1852; Burns 26-1207; Baldwin 5336.

⁹⁷ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

⁹⁸ Acts 1931; Burns 42-102 to 42-105; Baldwin 10499 to 10501, 10503.

⁹⁹ Lutz v. Arnold, 208 Ind. 480, 193 N. E. 840.

¹ Acts 1933; Burns 64-801 to 64-834; Baldwin 15582 to 15615.

² Acts 1931, 1933; Burns 6-2408; Baldwin 15946. Acts 1931, 1933, 1937; Burns, 1938 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

³ Acts 1931; Burns 6-2410; Baldwin 15948.

⁴ Acts 1931; Burns 6-2413; Baldwin 15951.

⁵ Acts 1931; Burns 6-2414; Baldwin 15952.

⁶ Acts 1931; Burns 6-2415; Baldwin 15953.

⁷ Lutz v. Arnold, 208 Ind. 480, 193 N. E. 840.

⁸ Acts 1933; Burns 64-917; Baldwin 15915. Acts 1933, 1935; Burns, 1938 suppl., 64-906; Baldwin, 1935 suppl., 15904.

⁹ Acts 1933; Burns 64-924, 64-927; Baldwin 15922, 15925.

¹⁰ Acts 1933; Burns 64-918; Baldwin 15916.

officer of the county having authority to assess omitted property or by the state board of tax commissioners.¹¹ In case of nonpayment, suit for collection may be brought by the prosecuting attorney or the attorney general.¹²

The property tax laws are administered by the township assessor, county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the supervision of the state board of tax commissioners. The state board prescribes rules and regulations and advises with the subordinate tax officials. It makes original assessments of certain classes of property of railroads, telephone companies, and other public utilities,¹³ and supervises and reviews assessments, appropriations, and levies of the subordinate tax officials.¹⁴

The principal steps in property taxation are assessment, budget, levy, and collection. The assessment is the determination of what property is taxable and the value thereof. The budget is the appropriation of money for expenditures for the next calendar year. The levy is the charging of a certain amount of taxes against each \$100 of assessed valuation to raise the money required for the budget. The collection involves the voluntary payment and also proceedings to compel payment.

Assessment of real and personal property for county purposes also serves as the assessment for state, township, city, and town purposes.¹⁵ Personal property is assessed each year as of the first day of March.¹⁶ Though real estate is not re-assessed every year (the old assessment remaining in effect until changed), the lien for taxes thereon dates from March 1.¹⁷ All property, real and personal, is required to be assessed

¹¹ Acts 1933, 1935; Burns, 1938 suppl., 64-915; Baldwin, 1935 suppl., 15913.

¹² Acts 1933; Burns 64-921; Baldwin 15919.

¹³ The State Board of Tax Commissioners assesses property of the following companies: Railroad, telephone, express, telegraph, sleeping car, pipe line, car equipment (tank, refrigerator, freight), and "public utility" (heat, light, water, power, elevator and warehouse service).

In case of railroads, the state board assesses the railroad track and the rolling stock. Local authorities assess personal property that has a fixed location and also real estate outside of the property denominated "railroad track."

The state board assesses the personal and intangible properties of the other specified companies. Their other property is assessed by local authorities.

Municipally owned utilities are assessed by the state board for state and county levies. Such utilities are not subject to township, school city, civil city, or other levies.

Car equipment companies pay a tax of two per cent on their assessed value direct to the state department of treasury.

Except as to the car equipment companies, the assessment of the state board is certified to the county auditor who apportions it among the several townships, towns, and cities entitled to a levy thereon, and places such assessments on the tax duplicate; and thereafter the tax is collected by the county treasurer. Acts 1913, 1933; Burns 54-610 (d); Baldwin 14027. Acts 1919, 1921, 1923, 1932 (Spec. Sess.); Burns 64-703 to 64-740; Baldwin 15617 to 15654.

¹⁴ Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1925, 1927, 1931; Burns 64-1301 to 64-1338; Baldwin 15705 to 15737, 12490 to 12492, 12522, 12527. Acts 1935; Burns, 1938 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1331; Baldwin, 1935 suppl., 15717, 15725, 15728, 15729, 15735.

¹⁵ Acts 1919; Burns 64-2814; Baldwin 15877.

¹⁶ Acts 1919; Burns 64-103, 64-401, 64-408; Baldwin 15516, 15524, 15531.

¹⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-2825; Baldwin 15886.

at the true cash value thereof.¹⁸ Since personal property and real property are assessed differently, we shall discuss them separately, beginning with personal property.

Personal property must be listed for taxation between March 1 and May 15 each year, with reference to the quantity and quality owned on March 1.¹⁹ Each township assessor calls on the taxpayers and furnishes them with blanks for listing personal property. The taxpayer must list, under oath, all personal property held, possessed, or controlled by him, and state what he deems the true cash value of each item. Ordinarily the valuation of the taxpayer is accepted if it is in reason, but the assessor may fix a different valuation. If no list is given by the taxpayer or if the assessor doubts the correctness of the list, he may examine, under oath, the taxpayer and other persons concerning such property, and set down and assess to such person such amount of personal property as he may deem just.²⁰ If the taxpayer refuses to make a return or oath required by law, the assessor makes a note of such refusal, and the auditor adds 50 percent to the valuation returned by the assessor.²¹

After giving notice to the taxpayer, omitted personal property may be assessed by the township assessor,²² county assessor,²³ auditor,²⁴ treasurer,²⁵ or board of review;²⁶ and appeal from such assessment may be taken to the circuit court, on the question of whether such omitted property is taxable.²⁷

In townships having a population not exceeding 5,000, the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties of township assessor.²⁸

The county assessor advises and instructs all township assessors in the county; and for this purpose visits each township assessor during March and April each year. The county assessor endeavors to cause uniformity and equality of assessment by the several township assessors. The county assessor and the township assessors may be removed by the state board of tax commissioners for incompetency or neglect of duty.²⁹

The board of review, reviews the assessment of personal property, hears complaints of owners, reduces or increases valuations, equalizes

¹⁸ Acts 1919; Burns 64-103, 64-1009; Baldwin 15516, 15675. Acts 1937; Burns, 1938 suppl., 64-1019b; Baldwin, 1937 suppl., 15685.

¹⁹ Acts 1919; Burns 64-401; Baldwin 15524.

²⁰ Acts 1919; Burns 64-601 to 64-604, 64-610; Baldwin 15569 to 15572, 15578.

²¹ Acts 1919; Burns 64-610; Baldwin 15578.

²² Acts 1919; Burns 64-1025; Baldwin 15692.

²³ Acts 1919; Burns 64-1102; Baldwin 15698.

²⁴ Acts 1919; Burns 64-1402; Baldwin 15739.

²⁵ Acts 1919; Burns 64-2102; Baldwin 15803.

²⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁷ Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of state board of tax commissioners.

²⁸ Acts 1933; Burns 64-1031; Baldwin 15664.

²⁹ Acts 1919, 1921; Burns 64-1001, 64-1102; Baldwin 15666, 15698.

valuations, corrects and completes the tax lists, and assesses omitted property. Notice must be given by the auditor to the owner before the board of review assesses omitted property or raises valuations.³⁰ Any person dissatisfied with the decision of the board may appeal to the state board of tax commissioners. Hearings on such appeals are, when possible, held in the auditor's office in the county from which the appeal was taken. The amount fixed by the state board is the final assessment of such property.³¹

The county auditor, on or before March 1 each year, makes out and delivers to the township assessors lists of lands entered on the duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation. In townships having a population of 35,000 or containing a city of the second class, the lists are made out by the township assessors and furnished to the county auditor, who returns them to the assessors after making the tax duplicate.³² The auditor makes plats of the several townships showing ownership, improvements, and assessed valuations of the parcels therein. The township assessor writes on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.³³ For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. A fee of ten cents is charged for each instrument so entered.³⁴ On the death of the owner, the heir or devisee may have a transfer made on the tax duplicate.³⁵

The township assessor is required to call on every person residing in his township for a list of lands owned by such person in such township subject to taxation. If such person fails to furnish such list within five days after being called on, as notified to do, the assessor may make the list according to the best information he can obtain, and the auditor must add 25 percent to the valuation of such lands as returned by the assessor.³⁶

Each township assessor must, on or before the first Monday in June in each year, make out and deliver to the auditor, in a book furnished by the auditor, a return of the real estate listed containing the names of property owners, description, and value of each parcel as determined by the assessor from actual view.³⁷

The law provides that "reassessment of real estate shall not be made oftener than every four years or in any year in which there is a general election held for the election of any state, county, or township officials,

³⁰ Acts 1919, 1920 (Spec. Sess.) ; Burns 64-1201 ; Baldwin 15700.

³¹ Acts 1919, 1935 ; Burns, 1938 suppl., 64-1321 ; Baldwin, 1935 suppl., 15725. State Board of Tax Commissioners, Tax Rule 6.

³² Acts 1919, 1937 ; Burns, 1938 suppl., 64-1007 ; Baldwin, 1937 suppl., 15672.

³³ *Ibid.*

³⁴ Acts 1919 ; Burns 64-1409 ; Baldwin 15746.

³⁵ Acts 1921 ; Burns 64-519 ; Baldwin 14777.

³⁶ Acts 1919 ; Burns 64-1008 ; Baldwin 15674.

³⁷ Acts 1919 ; Burns 64-1016 ; Baldwin 15682.

except upon the order of the state board of tax commissioners and as hereinafter provided." The last general re-assessment of real estate in Indiana was in 1932.³⁸

Each person charged with making assessment valuations for taxation is charged with the duty of correcting on the books errors as to description of property and name of owner. A notation is made showing any change of ownership since the last assessment. The township assessor each year, after giving notice to the occupant of the land or the resident of the county claiming ownership, assesses any real estate or improvements found omitted, and makes a return thereof to the auditor as of the year when the same should have been first assessed.³⁹ The county assessor,⁴⁰ auditor,⁴¹ treasurer,⁴² and board of review,⁴³ also have power to assess omitted property after giving notice. The auditor makes assessments of any newly platted additions to any city or town.⁴⁴ The assessments of omitted property by the township assessor, county assessor, auditor, and treasurer may be reviewed and revised at the next meeting of the board of review.⁴⁵ The decision of the board of review in reviewing such assessment or in making an original assessment of omitted property may be reviewed by the state board of tax commissioners in the manner provided for review of decisions concerning personal property, discussed above.⁴⁶ From any assessment of omitted property, appeal may be taken to the circuit court on the question whether such property is taxable.⁴⁷

In case of flood, fire, or other disaster in which a substantial amount of property in any township has been partially or totally destroyed, the state board of tax commissioners must order a survey, determine the locality in which the property has been partially or totally destroyed, and order re-assessment of all or part of the property in such township.⁴⁸

The state board, after March 31 of a year in which a general election is not held, may, without petition of taxpayers, order a hearing on the necessity of re-assessment for the whole state or for any of the counties or townships thereof. Notice is given, and a hearing is held in each county in which the affected property is located. The board may then order re-assessment.⁴⁹

³⁸ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

³⁹ Acts 1919; Burns 64-1025; Baldwin 15692. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

⁴⁰ Acts 1919; Burns 64-1102; Baldwin 15698.

⁴¹ Acts 1919; Burns 64-1402; Baldwin 15739.

⁴² Acts 1919; Burns 64-2102; Baldwin 15803.

⁴³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴⁴ Acts 1919; Burns 64-1027; Baldwin 15691.

⁴⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

⁴⁶ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State Board of Tax Commissioners, Tax Rule 6.

⁴⁷ Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

⁴⁸ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019(c); Baldwin, 1937 suppl., 15685-3.

⁴⁹ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019(b); Baldwin, 1937 suppl., 15685-2.

Any person may, before March 31 in any year, file with the state board of tax commissioners a petition for re-assessment of his real estate. At the hearing, the petitioner must show cause for re-assessment. Other taxpayers may be heard in opposition. The board may then order the re-assessment petitioned for. This is the only method for obtaining re-assessment of particular real estate.⁵⁰

A petition for re-assessment of all real estate in a township must be signed by a specified percentage of the resident owners of taxable real estate of such township. The percentage depends on whether any part of an incorporated town or city is contained in such township, and the population of such city or town, and is as follows: No city or town, 15 percent; population 5,000 or less, five percent; population 5,001 to 10,000, four percent; population 10,001 to 50,000, three percent; population 50,001 to 150,000, two percent; population exceeding 150,000, one percent. The county auditor attaches a certificate as to the required number of signers, and the petition is filed with the state board of tax commissioners before March 31, in any year in which there is no general election of state, county, or township officials. If it appears to the board that the petition is in proper order and that the present valuation is inequitable, the board will order re-assessment of all or part of the real estate in the township.⁵¹

Any person owning real estate subject to mortgage may have the amount of the mortgage, not exceeding \$1,000 and not exceeding one-half the assessed valuation, existing and unpaid on the first day of March deducted from the assessed valuation for that year, by filing with the auditor between the first day of March and the first Monday in May a sworn statement in the form required by law.⁵²

Within ten days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit court or superior court on questions of law concerning such valuation.⁵³

The county auditor, not later than September 1 each year, apporitions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.⁵⁴

The county council, at its annual meeting in August, adopts a budget, establishes the tax rate, and makes tax levies for the succeeding calendar year. The auditor then schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.⁵⁵

⁵⁰ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019(d); Baldwin, 1937 suppl., 15685-4.

⁵¹ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685-1.

⁵² Acts 1919; Burns 64-209 to 64-212; Baldwin, 15565 to 15568.

⁵³ Acts 1927; Burns 64-1020; Baldwin 15686.

⁵⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

⁵⁵ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

Appeal from the action of the county council may be taken to the state board of tax commissioners. The board, after hearing the objections, may affirm or decrease the total tax levy or any item thereof. The decision of the board, which is final and conclusive "with respect to said levies and such parts thereof as may have been in question", is certified to the auditor, and the auditor certifies it to the taxing units interested therein. When the state board orders a reduction in the levy, it indicates the items in the budget affected by such reduction; and this limits the expenditures for the year, except in cases of extraordinary emergency.⁵⁶

The laws discussed in the next four paragraphs do not apply to levies and rates to meet: 1) Funding, refunding, or judgment funding obligations; 2) "outstanding obligations"; 3) judgments; 4) obligations issued to meet emergency growing out of flood, fire, pestilence, war, or other major disaster; 5) obligations issued on petition under this act; 6) requirements of the county welfare fund for public welfare services. It is the duty of the county council to levy an amount sufficient to meet such purposes, regardless of any statutory provisions to the contrary.⁵⁷

Except on authorization of the state board of tax commissioners, the total tax rate for all purposes cannot exceed \$1.25 on each \$100 of taxable property outside of incorporated cities and towns or \$2 on each \$100 of taxable property inside incorporated cities and towns.⁵⁸

At least two days before the second Monday in September, each municipal corporation⁵⁹ of the county files with the county auditor a statement of the tax levies and rates for the ensuing year, fixed by such municipal corporations, and at least two copies of the budgets on which such levies are based.⁶⁰ The board of tax adjustment meets on the second Monday of September each year. At the meeting, the auditor lays before the board the said budgets, tax levies, and rates.⁶¹ It is the duty of the board of tax adjustment to examine, revise, change, or reduce (but not increase) any budget, tax levy, or rate, and to hold such budget within the total amount of revenue to be raised therefor from any source whatever. Any changes in budgets must be with respect to the total amounts budgeted for each office, and not the detailed items included in such budgeted classifications. While the board of tax adjustment endeavors to keep the rates within the limits above stated, if it comes to the conclusion that such rates are inadequate, it certifies to the state board of tax commissioners its analysis and recommendations together with such data and facts as may be deemed essential to review. The state board then reviews the budgets and proceeds according to the

⁵⁶ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

⁵⁷ Acts 1937; Burns, 1938 suppl., 64-312, 64-313; Baldwin, 1937 suppl., 15897-6, 15897-7.

⁵⁸ Acts 1937; Burns, 1938 suppl., 64-309; Baldwin, 1937 suppl., 15897-1, 15897-3.

⁵⁹ The term "municipal corporation" includes counties, townships, cities, towns, school districts, and all taxing units within the state. Acts 1933; Burns 64-302; Baldwin 15893.

⁶⁰ Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

⁶¹ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

provisions governing appeals, and may authorize rates beyond the said limits.⁶²

If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the levies and rates to the said limits, then the auditor calculates and fixes the rates, so that the total property within any municipal corporation does not exceed said limits, and certifies his action to each municipal corporation before October 6. Before October 16, any municipal corporation may appeal to the state board of tax commissioners to increase the tax levy and rate. Before October 16, ten or more taxpayers affected by any budget, levy, or rate fixed by the board of tax adjustment or by the auditor may appeal to the state board of tax commissioners. The state board, after publishing five days' notice of hearing, conducts a public hearing on such appeals. The state board "may revise, change, or increase" the levy and rate in respect to total amounts budgeted by each office or department, and not as to detailed items. The levy and rate must be kept within the limit originally fixed by the municipal corporation. The state board certifies its decision to the county auditor before December 1, if possible. The budget, levy, and rate thereby fixed are final.⁶³

After the budget, levy, and rate for each municipal corporation have been finally fixed and determined, as aforesaid, the appropriating body of each municipal corporation allocates the funds to be derived from such levy in such manner that the expenditures for the ensuing year will remain within the limitations as finally fixed in the manner stated in the two preceding paragraphs.⁶⁴

If the county council determines that emergency exists requiring expenditures for the current year not authorized by the budget as originally established or as modified by the state board of tax commissioners, the council may make an additional appropriation and levy. The auditor then certifies the matter to the state board, which may affirm or reduce such additional appropriation and levy. The decision of the state board is final and conclusive as to such proposed expenditures.⁶⁵

The auditor, between the first Monday in July and the last day of December, makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate. This contains several columns, and shows the names of taxpayers in alphabetical order, lands and improvements, mortgage deductions, corporate stock, personal property, valuations, poll tax, assessments of omitted property, land transfers since the last assessment, and all alterations in the assessment lists made by the board of review or the state board of tax commissioners. He numbers each township, city, and town in regular procession. On or before January 1, the county auditor delivers to the auditor of state a complete

⁶² Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

⁶³ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

⁶⁴ Acts 1937; Burns, 1938 suppl., 64-315; Baldwin, 1938 suppl., 15897-9.

⁶⁵ Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-251; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

abstract of all property listed in each township, city, and town, showing valuations, mortgage deductions, number of polls, the amount of each kind of tax, the aggregate thereof in the county, and the rate of each kind assessed. A copy of the abstract is delivered to the treasurer, and another copy is kept by the county auditor.⁶⁶

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the first Monday in May and the first Monday in November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when it becomes due, such installment becomes delinquent, and a penalty of eight percent of such installment is added. Also the delinquent installment draws interest at the rate of eight percent per annum from the date of delinquency to the time of payment.⁶⁷

It is the duty of the county treasurer to collect all such taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the same after ten days' notice of the time and place of sale. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at tax sale, on the second Monday in April, after advertisement, but not until 15 months have elapsed since delinquency.⁶⁸ The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within two years after the sale.⁶⁹

FEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon as compensation, unless a statute specifically authorizes them to do so. Such fees must be paid into the county treasury. The officer cannot draw any salary while illegally withholding fees.⁷⁰

County officials may charge and collect only such fees as are allowed by statute.⁷¹ If an officer collects illegal fees, the county cannot recover them from such officer, since they belong to the persons paying same.⁷²

⁶⁶ Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

⁶⁷ Acts 1919; Burns 64-1502; Baldwin 15748. Acts 1932 (Spec. Sess.); Burns 64-1508; Baldwin 15751. Acts 1935; Burns, 1938 suppl., 64-1542; Baldwin, 1935 suppl., 15765-1.

⁶⁸ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns, 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1938 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

⁶⁹ Acts 1919; Burns 64-2301; Baldwin 15819.

⁷⁰ Acts 1933; Burns 49-1001, 49-1005; Baldwin 7531, 7535. Acts 1895; Burns 49-1410; Baldwin 7585. *Keifer v. Summers*, 137 Ind. 106, 35 N. E. 1103; *Applegate v. State ex rel. Pettijohn*, 205 Ind. 122, 185 N. E. 911; *Board of County Comrs. v. Lewis*, 81 Ind. App. 601, 144 N. E. 623.

⁷¹ *Noble v. Board of County Comrs.*, 101 Ind. 127; *Legler v. Paine*, 147 Ind. 181, 45 N. E. 604.

⁷² *State ex rel. Board of County Comrs. v. Williams*, 39 Ind. App. 376, 77 N. E. 1137.

If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond;⁷³ and if he pays over fees which he is entitled to retain, he may sue to recover same.⁷⁴

All officers are required to keep complete records of all fees received from any source whatever. Such records are subject to public inspection at any time, and must be inspected by the board of commissioners at their meetings.⁷⁵

STATE FUNDS

The counties receive from the state a portion of the funds in the motor vehicle highway account of the state. This account is composed of excise taxes on motor vehicle fuel, motor vehicles, operators, and chauffeurs.⁷⁶ The portion allotted to the counties is distributed on a basis of vehicular miles of county roads in each county as compared with the total in all of the counties. The 1937 law recites that there are 101,121 miles in St. Joseph County and 4,536,856 miles in all of the counties, but provision is made for a recount by the state highway commission and a change in allocation based thereon.⁷⁷ Such funds are used by the county for construction and maintenance of county roads.⁷⁸

The counties receive from the state a portion of the license fees on liquor dealers. Distribution among the counties is based on the amount paid in for licenses with respect to dealers' premises located outside cities and towns in each county, as compared with the total for such areas in all counties.⁷⁹

The counties receive a portion of the intangibles tax. Distribution among the counties is on a basis of assessed valuation of the real property in each county, as compared to the total in all counties. One-fourth of the amount received by the county goes into the general fund of the county, and the remainder goes to the school funds of the township, city, and town taxing units on a basis of valuation of the real property in each.⁸⁰

Each county receives from the state, as reimbursement, about 81 percent of the money spent by the county for welfare assistance.⁸¹

Distribution of the income from the common school fund surplus by the state to the several counties for school purposes is on a basis

⁷³ Acts 1883; Burns 49-142; Baldwin 13094. *Workman v. State ex rel. Board of County Comrs.*, 165 Ind. 42, 73 N. E. 917.

⁷⁴ *Board of County Comrs. v. Crone*, 36 Ind. App. 283, 75 N. E. 826.

⁷⁵ Acts 1895; Burns 49-1401, 49-1409; Baldwin 7584. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443. Acts 1909; Burns 60-213; Baldwin 13864.

⁷⁶ Acts 1937; Burns, 1938 suppl., 36-2801; Baldwin, 1937 suppl., 8695-1.

⁷⁷ Acts 1937; Burns, 1938 suppl., 36-2808; Baldwin, 1937 suppl., 8695-8.

⁷⁸ Acts 1937; Burns, 1938 suppl., 36-2804 to 36-2806; Baldwin, 1937 suppl., 8695-4, 8695-6.

Acts 1939, ch. 64 (not effective at the time of writing), amends the first cited section by authorizing the county council to appropriate 20 per cent of such funds to pay off outstanding county unit road bonds.

⁷⁹ Acts 1935; Burns, 1938 suppl., 12-811; Baldwin, 1935 suppl., 3764-40f.

⁸⁰ Acts 1933; Burns 64-922; Baldwin 15920.

⁸¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1405, 52-1412; Baldwin, 1937 suppl., 14078-117, 14078-124. This percentage was stated by the auditor of state in an interview on March 31, 1939.

of average daily attendance of children in grades one to twelve in the schools of the respective counties.⁸² School funds are discussed herein-after under the heading Education.

PUBLIC DEBT: BORROWING MONEY

The constitution provides that the total amount of the county debt shall not exceed two percent of the value of the taxable property therein,⁸³ and a statute provides that such debt shall not exceed two percent of the taxable property less the total of all mortgage exemptions.⁸⁴

The borrowing of money for the county must be authorized by ordinance of the county council.⁸⁵ The notes, bonds, or other evidence of indebtedness are executed by the commissioners and attested by the auditor.⁸⁶ The obligations may bear interest at a rate not exceeding six percent per annum. If the interest rate exceeds five percent, the issuance must be approved by the state board of tax commissioners.⁸⁷ The council may provide for maturities at any time not exceeding 52 years from issuance.⁸⁸

The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. If the amount of the bond issue is to exceed \$5,000, and if ten taxpayers file objections with the auditor, the objections will be certified to the state board of tax commissioners for hearing and disposition.⁸⁹

Temporary loans may be authorized to meet current running expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.⁹⁰

The county council must make a levy of not less than one-tenth of one percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued; and the taxes collected therefrom must be invested in said bonds or other state or county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt.⁹¹ The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more taxes are collected under this levy than are needed to pay interest, it goes into the sinking fund to pay the principal.⁹²

⁸² Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

⁸³ Const., art. 13, sec. 1. Exception is made in case of war, foreign invasion, or other public calamity.

⁸⁴ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

⁸⁵ *Ibid.*

⁸⁶ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁸⁷ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁸⁸ Acts 1899, 1921, 1929; Burns 26-532, 61-401; Baldwin 5396, 13896.

⁸⁹ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁹⁰ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

⁹¹ 1 Rev. Stat. 1852; Acts 1859; Burns 26-1006; Baldwin 5247.

⁹² 1 Rev. Stat. 1852; Burns 26-1007; Baldwin 5248.

Some of the recent major bond issues by St. Joseph County were: October 15, 1938, \$55,000 for bridge across the St. Joseph River at Angela Avenue west of South Bend; August 1, 1938, \$245,000 for poor relief; April 1, 1938, \$400,000 for poor relief; December 1, 1936, \$210,000 for the county airport; November 21, 1932, \$350,000 for poor relief; May 15, 1931, \$350,000 for poor relief; October 1, 1930, \$125,000 for Healthwin Hospital; March 1, 1927, \$130,000 for Healthwin Hospital; December 1, 1926, \$35,000 for Healthwin Hospital.

FISCAL CONTROL

Fiscal control of county matters is vested in the county council, board of commissioners, treasurer, auditor, and board of finance.

The power of making appropriations of money to be paid out of the county treasury is vested exclusively in the county council.⁹³ No money can be drawn from the county treasury not in pursuance of appropriation therefor,⁹⁴ except in the following instances: 1) Money belonging to the state and commanded by law to be paid into the state treasury; 2) money belonging to any school fund; 3) money belonging to any fund of any township, town, or city, and commanded by law to be paid to such municipality; 4) money, due to any person, which has been paid into the county treasury pursuant to public improvement assessments on persons or property of the county in territory less than the whole county; 5) money, due to any person, which has been paid into the treasury for redemption from any tax or other sale; or money so due that has been paid in pursuant to authority of law as a tender or payment to such person; 6) taxes erroneously paid; 7) funds received from the state or Federal Government for welfare assistance or public work projects;⁹⁵ 8) salaries fixed by law.⁹⁶

The various officials of the county (including courts, board of commissioners, and township assessor) annually submit to the auditor estimates of expenditures and probable revenue to be received from the state for the ensuing calendar year. The estimates are kept on file in the auditor's office, subject to inspection by any taxpayer of the county. The auditor publishes notice of the aggregate amount of each of such estimates, and prepares an ordinance making an appropriation by items for the ensuing calendar year for the various purposes for which all of the estimates are required. The auditor submits all of the estimates to the county council at its annual meeting and makes recommendations with reference thereto. The council considers the estimates and the proposed ordinance and makes such changes as deemed necessary. A three-fourths vote is required to make appropriation for any item not contained in any estimate or for a greater amount than that named in any item of any estimate. The ordinance making the appropriation for the ensuing year is adopted after being read on at least two separate

⁹³ Acts 1899; Burns 26-515; Baldwin 5379.

⁹⁴ *Ibid.*

⁹⁵ Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin 5386.

⁹⁶ *Blue v. State ex rel. Powell*, 210 Ind. 486, 1 N. E. (2d) 122.

days. This appropriation is called the annual county budget, and the estimates of expenditures are called budget estimates.⁹⁷

If emergency arising after the adjournment of the annual meeting requires appropriations in addition to those originally included in the annual appropriation, additional appropriations may be made by ordinance passed by a two-thirds vote of all the members of the council at a special meeting, after estimates are prepared and submitted in the manner required for annual estimates. If the aggregate amount of the requested appropriation exceeds \$15,000, the ordinance must be read on two separate days before passage.⁹⁸ Such additional appropriations must be approved by the state board of tax commissioners.⁹⁹

It is unlawful for the county council to make any appropriation of money, or order to pay money, unless at the time the money to pay the same be in the treasury or provided for.¹

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon. However, time for withdrawal is extended where payment was withheld during such year because of injunction which was later dissolved.² It is unlawful to overdraw the amount of any item of appropriation or to use one item for the purpose of another item.³

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred.⁴

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⁹⁷ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

Appropriations of money can be made by county council only by the passage of ordinances. *State ex rel. Davis v. Board of County Comrs.*, 165 Ind. 262, 74 N. E. 1091.

The statutory provision requiring an ordinance for an appropriation to be read on two separate days is mandatory, and on failure to comply therewith the ordinance is invalid. *Van Der Veer v. State ex rel. Herron*, 97 Ind. App. 1, 165 N. E. 265.

⁹⁸ Acts 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

The council's determination of emergency is not conclusive on the courts. *State v. Board of County Comrs.*, 204 Ind. 484, 184 N. E. 780.

The words "emergency growing out of a flood, fire, pestilence, war, or other major disaster" are used in Acts 1937; Burns, 1938 suppl., 64-312; Baldwin, 1937 suppl., 15897-6.

Provisions concerning poor relief and welfare services. Acts 1935; Burns, 1938 suppl., 52-174; Baldwin, 1935 suppl., 13320-31. Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1303; Baldwin, 1937 suppl., 14078-100.

⁹⁹ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹ Acts 1879; Burns 26-1025, 26-1027; Baldwin 5348, 5352. The words "board of commissioners" in the act are construed to mean county council.

² Acts 1899, 1903; Burns 26-524; Baldwin 5388.

³ Acts 1899; Burns 26-523; Baldwin 5387. Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386.

⁴ Acts 1899; Burns 26-525; 26-527; Baldwin 5389, 5391.

But lack of appropriation does not prevent entry of a judgment binding the county, where the court has jurisdiction of the parties and subject matter of the action. Acts 1899; Burns 26-527; Baldwin 5391. *Board of County Comrs. v. McGregor*, 171 Ind. 634, 87 N. E. 1.

Claims against the county, duly itemized and verified, in writing on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least five days after the docketing of the claim and publication of notice by the auditor, the commissioners must examine into the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing.⁵ The board cannot allow a claim that it previously disallowed.⁶

A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.⁷ A claim on a contract for work to be conducted under the supervision of the county surveyor, or any architect, engineer, superintendent, or inspector appointed by the board of commissioners, must be accompanied by a certificate of the surveyor or such agent, showing that the work therein mentioned was performed according to contract and that the amount claimed is due and owing by the terms of the contract.⁸ A claim based on a judgment or order of a court must be accompanied by a certified copy of such judgment or order.⁹

For the amount allowed by the board of commissioners, the auditor, after appropriation by the county council, issues a warrant which is countersigned by the treasurer and paid by the treasurer or a public depository designated thereon by him.¹⁰ An allowance not called for within five years may be canceled.¹¹ Preference in payment is given to claims for money advanced by any county officer for the use of the county pursuant to provisions of law or of any order of the board.¹² However, no allowance can be made by the board of commissioners to one of its members for articles furnished by him to the county under a contract or otherwise.¹³

Any person feeling aggrieved by any decision of the board on any claim may appeal to the circuit or superior court. In case of disallowance in whole or in part, the claimant may appeal as aforesaid or bring an independent suit against the board. The claimant must pay the costs of the appeal if he does not recover more on the appeal than was allowed by the board.¹⁴ No complaint other than the claim (including certificates and exhibits, if any) presented to the board is required on

⁵ Acts 1899; Burns 26-538, 26-804; Baldwin 5403, 5256. Acts 1879 (Spec. Sess.); Burns 26-805, 26-807; Baldwin 5254, 5256. Acts 1897; Burns 26-806, 26-809; Baldwin 5260, 5257. Acts 1931; Burns 26-816 to 26-819; Baldwin 5268 to 5271.

⁶ *Myers v. Gibson*, 152 Ind. 500, 53 N. E. 646.

⁷ Acts 1899; Burns 26-538; Baldwin 5403.

⁸ Acts 1899; Burns 26-539; Baldwin 5404.

⁹ Acts 1911; Burns 26-814; Baldwin 5265.

¹⁰ Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

¹¹ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

¹² 1 Rev. Stat. 1852; Burns 26-802; Baldwin 5252.

¹³ *Waymire v. Powell*, 105 Ind. 328, 4 N. E. 886.

¹⁴ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

appeal.¹⁵ If the board allows only a part of the claim, and the claimant accepts payment of the amount allowed, he cannot bring suit for the remainder.¹⁶

In pursuance of appropriations by the county council,¹⁷ courts make allowances against the county for expense of administration of justice.¹⁸ Such allowances include fees of witnesses,¹⁹ jurors,²⁰ master commissioners,²¹ sheriffs,²² bailiffs,²³ and salary of the court reporter²⁴ and his fees covering transcripts for poor persons.²⁵

Within ten days after adjournment of the session of the board of commissioners or of the court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until three days after such publication.²⁶

The treasurer receives all money coming to the county, and disburses it on proper orders or warrants issued and attested by the auditor.²⁷

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.²⁸ The board designates depositories for public funds, after inviting and receiving proposals from banks and trust companies. The commission of a depository may be revoked by the board at any time.²⁹ The resignation of a depository becomes effective 30 days after notice thereof to the board.³⁰ Monthly statements are furnished by the depository to the board on or before the fifth day of each month, and are preserved in the office of the board.³¹ All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such designated depositories. On or before the fifth day of each month, the treasurer must file with the secretary of the board a statement of the

¹⁵ Board of County Comrs. v. Wertz, 112 Ind. 268, 13 N. E. 874.

¹⁶ Western Constr. Co. v. Board of County Comrs., 178 Ind. 684, 98 N. E. 347.

¹⁷ Acts 1899; Burns 26-515, 26-527; Baldwin 5376, 5391.

¹⁸ Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236.

¹⁹ 1 Rev. Stat. 1852, Acts 1853; Burns 9-2408; Baldwin 1306.

²⁰ Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

²¹ Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

²² Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2236.

²³ Acts 1921, 1935; Burns, 1938 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

²⁴ Acts 1921, 1939; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1.

²⁵ Acts 1893; Burns 4-3511; Baldwin 1300.

²⁶ Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817; Baldwin 5269.

²⁷ Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103; Baldwin 5550. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

²⁸ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

²⁹ Acts 1937; Burns, 1938 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

³⁰ Acts 1937; Burns, 1938 suppl., 61-640; Baldwin, 1937 suppl., 13844-61.

³¹ Acts 1937; Burns, 1938 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

balance of funds at the end of the previous month, consistent with the statement furnished by the depository.³²

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.³³ The number, date, amount, name of payee, and purpose of the order or warrant are entered in a book.³⁴ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.³⁵ Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.³⁶

On claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant. But a warrant may be issued to pay a judgment, or for management of the school fund, insanity inquests, or salaries or other liabilities for specific amounts fixed by law, without there being a claim therefor allowed by the board of commissioners.³⁷ Orders not called for within five years after allowance of claim on which drawn may be canceled by the board of commissioners, if not called for after publication of notice.³⁸

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except as to funds of the state and township. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event such warrant will be deposited by the treasurer in the depository in lieu of cash.³⁹ The treasurer must deduct any delinquent taxes owing by the payee.⁴⁰ If no funds are available to pay the warrant, the treasurer indorses thereon the words "not paid for want of funds" and the date of such presentment; and thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption.⁴¹ Outstanding warrants are redeemed by the treasurer

³² Acts 1937; Burns, 1938 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

³³ Acts 1899; Burns 26-544; Baldwin 5409.

³⁴ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

³⁵ *Ibid.*

³⁶ Acts 1909; Burns 60-215; Baldwin 13866.

³⁷ Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell*, 210 Ind. 486, 1 N. E. (2d) 122.

³⁸ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

³⁹ 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

⁴⁰ Acts 1919; Burns 64-1506; Baldwin 15768.

⁴¹ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority.⁴² When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.⁴³

Every public officer who receives or distributes public funds must keep a cashbook wherein there is entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.⁴⁴ The treasurer keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds. Current taxes are not entered on his account with the county until after his annual statement.⁴⁵ The treasurer keeps his books and office subject to inspection by the board of commissioners at any time; and at least once a year exhibits to the board the money in his office.⁴⁶ The treasurer makes out quarterly a report showing the amount of money in the county treasury and each distinct fund thereof. The report is examined by the board of commissioners at their next regular session.⁴⁷

The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payor with the auditor, who gives a quietus for same.⁴⁸

The board of commissioners, at its first regular session each year, audits the books of the treasurer and auditor;⁴⁹ and makes out a statement of the receipts and expenditures for the previous calendar year, and causes it to be published and posted.⁵⁰ The treasurer makes complete settlements with the board of commissioners at its January and June sessions each year, and a copy of the settlement sheet is copied into the order book of the board.⁵¹ Settlements by the board of commissioners are not binding on the county where the officer has failed to account for any money received by virtue of his office or failed to perform any duty required of him by law.⁵²

All taxes collected by the treasurer must be deposited in the depository as one fund, except where otherwise provided by law. Semiannually the treasurer settles with the state and the municipal corporations of the county for taxes collected for them by the treasurer. Before such settlements, he advances not exceeding 80 percent when request by the proper officer is made to the auditor and a warrant drawn by him.⁵³

⁴² 1 Rev. Stat. 1852; Burns 49-3113; Baldwin 5560.

⁴³ 1 Rev. Stat. 1852; Burns 49-3112; Baldwin 5559.

⁴⁴ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁴⁵ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

⁴⁶ 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555.

⁴⁷ Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

⁴⁸ 1 Rev. Stat. 1852; Burns 49-3104; Baldwin 5551.

⁴⁹ Acts 1897; Burns 26-636; Baldwin 5237.

⁵⁰ Acts 1899; Burns 26-546; Baldwin 5411.

⁵¹ Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3117; Baldwin 5564.

⁵² Acts 1879 (Spec. Sess.); Burns 26-637; Baldwin 5402.

⁵³ Acts 1937; Burns, 1938 suppl., 61-626; Baldwin, 1937 suppl., 13844-5.

ADMINISTRATION OF JUSTICE

JUDICIAL SYSTEM

The judicial system of St. Joseph County is prescribed by the constitution and subsequent acts of the general assembly. The constitution vests the judicial power, so far as the counties are concerned, in the circuit court and "such other courts as the general assembly may establish."⁵⁴ The constitution further provides for the election, by popular vote, of a clerk of the circuit court and a sheriff in the county⁵⁵ and a prosecuting attorney in the circuit.⁵⁶

St. Joseph County has three courts—one circuit court and two superior courts—each consisting of one judge elected by the voters.⁵⁷ The county constitutes the 60th circuit and the superior court district.⁵⁸ These courts have concurrent original jurisdiction in all cases and proceedings at law and in equity, including criminal cases, divorce and separation cases, guardianships, probate of wills, and settlement of decedent's estates.⁵⁹ They have appellate jurisdiction⁶⁰ to review decisions of justices of the peace,⁶¹ city courts,⁶² board of public works or board of park commissioners of any city in the county (or city council performing such functions),⁶³ board of commissioners,⁶⁴ board of review fixing value of property for taxation,⁶⁵ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.⁶⁶ The acts creating said superior courts provide that they shall have jurisdiction of all matters and proceedings then or thereafter within the jurisdiction of the circuit court.⁶⁷ The circuit court and superior courts are each known as the "Juvenile Court" when acting in juvenile cases. In practice, however, the Superior Court refrains from exercising jurisdiction in juvenile matters.⁶⁸

⁵⁴ Const., art. 7, secs. 1, 8.

⁵⁵ *Ibid.*, art. 6, sec. 2.

⁵⁶ *Ibid.*, art. 7, sec. 11.

⁵⁷ Const., art. 7, secs. 1, 8. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395. Acts 1907; Burns 4-1701; Baldwin 1624. Acts 1913; Burns 4-1704; Baldwin 1627. Acts 1921; Burns 4-1801; Baldwin 1658.

⁵⁸ Acts 1897, ch. 13, sec. 2. Acts 1901, ch. 31. Acts 1913; Burns 4-1702; Baldwin 1646. Acts 1921; Burns 4-1801; Baldwin 1658.

⁵⁹ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1907; Burns 4-1709; Baldwin 1625. Acts 1921; Burns 4-1803; Baldwin 1660.

⁶⁰ *Ibid.*

⁶¹ 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931. Acts 1907; Burns 4-1709; Baldwin 1625. Acts 1921; Burns 4-1803; Baldwin 1660.

⁶² Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12337.

⁶³ Acts 1933; Burns 48-4501; Baldwin 11576.

⁶⁴ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. State ex rel. Sink v. Circuit Court, — Ind. —, 15 N. E. (2d) 624.

⁶⁵ Acts 1919; Burns 64-1020; Baldwin 15686.

⁶⁶ Hamilton v. Fort Wayne, 73 Ind. 1.

⁶⁷ Acts 1907; Burns 4-1709; Baldwin 1625. Acts 1921; Burns 4-1803; Baldwin 1660.

⁶⁸ Acts 1903, 1913, 1931, 1935, 1937; Burns, 1938 suppl., 9-2801; Baldwin, 1937 suppl., 1759. Warren W. Martin, deputy attorney general of Indiana, in an opinion

The only judiciary of minor jurisdiction in St. Joseph County are the justices of the peace, elected by the voters in each township.⁶⁹ The civil jurisdiction of the justice of the peace is limited to his township, but the criminal jurisdiction is co-extensive with his county.⁷⁰ The justices must pay to the county treasurer all fines which they collect.⁷¹

The clerk of the circuit court acts as clerk of said superior courts.⁷² The sheriff executes the process of the circuit and superior courts and preserves order in said courts;⁷³ constables perform similar duties for the justices of the peace.⁷⁴ The prosecuting attorney acts as attorney for the state in criminal cases and as attorney for the county and state in civil cases.⁷⁵

Formerly a jury was used in coroner's inquests, but such juries were abolished in 1879.⁷⁶ Under the present system, coroners act in a non-judicial capacity when holding inquests.⁷⁷

An act of 1939, not effective until June 30, creates a magistrate's court consisting of two or more magistrates. The court will have jurisdiction throughout the county in cases of petty offenses under the state laws and all offenses under traffic ordinances, and will supersede the jurisdiction of justices of the peace and mayors over traffic offenses.⁷⁸

ENFORCEMENT OF CRIMINAL LAWS.

Investigation of alleged violations of criminal law is conducted by the prosecuting attorney,⁷⁹ the sheriff,⁸⁰ or the coroner,⁸¹ co-operating with one another and with state and Federal bureaus of law enforcement;⁸² and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.⁸³

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any

dated April 12, 1939, given to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, affirms that the superior court has concurrent jurisdiction, with the circuit court, in juvenile causes. In a letter, also dated April 12, 1939, Judge J. F. Bingham, of St. Joseph Superior Court No. 1, declares: "The failure of the Superior Court in this county to act in juvenile matters is not due to local court rules, but is merely in line with the statutes which give them no jurisdiction therein."

⁶⁹ Const., art. 7, sec. 14. Acts 1913; Burns 5-101; Baldwin 1828.

⁷⁰ 2 Rev. Stat. 1852; Burns 5-201; Baldwin 1857. Acts 1905; Burns 9-715; Baldwin 2084.

⁷¹ Acts 1881; Burns 5-1803; Baldwin 1874.

⁷² Acts 1907; Burns 4-1710; Baldwin 1629. Acts 1921; Burns 4-1804; Baldwin 1661.

⁷³ 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495.

⁷⁴ 2 Rev. Stat. 1852; Burns 5-601; Baldwin 2063. Acts 1905; Burns 9-710; Baldwin 2081. 2 Rev. Stat. 1852; Burns 49-3401, 49-3403, 49-3407; Baldwin 16116, 16119, 16122.

⁷⁵ 2 Rev. Stat. 1852; Burns 49-2501, 49-2504; Baldwin 5456, 5460.

⁷⁶ Acts 1817-18 (general), ch. 20. Acts 1879 (Spec. Sess.); Burns 49-2907; Baldwin 5441.

⁷⁷ *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

⁷⁸ Acts 1939, ch. 164.

⁷⁹ 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

⁸⁰ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

⁸¹ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1938 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

⁸² Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

⁸³ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

legal matter, but he cannot be present during the deliberations of the grand jury.⁸⁴ The grand jury consists of six members,⁸⁵ at least five of whom must concur in the finding of an indictment. When an indictment is found, it is endorsed by the foreman of the grand jury, "A true bill", and also signed by the prosecuting attorney.⁸⁶

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.⁸⁷ He may also prosecute on affidavit all public offenses other than treason and murder.⁸⁸

Actual enforcement of criminal law in the county is entrusted to the sheriff and the coroner, both officers having existed in St. Joseph County since its organization.⁸⁹ As law enforcement officers, they have identical power and duties;⁹⁰ in practice, however, the coroner performs few of these duties, except in the absence or incapacity of the sheriff. These officers make arrests in accordance with warrants issued by courts having criminal jurisdiction or by the clerk of the circuit court and based on indictments returned by the grand jury or affidavits filed with the courts.⁹¹ Writs of arrest may also be issued by the coroner, when the results of an inquest indicate that murder was committed.⁹² Arrest without warrant can be made for a felony, where the arresting officer has reliable information of the commission of the crime by the person arrested; and arrest without warrant can be made for a felony or misdemeanor committed within view of the arresting officer.⁹³ A warrant issued to the sheriff of the county in which the indictment was found or the affidavit was filed may be executed by him in any county of the state.⁹⁴

The constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdictions,⁹⁵ and that all criminal prosecutions shall be carried on in the name, and by the authority, of the state.⁹⁶

The county jail is maintained by the county,⁹⁷ the sheriff being responsible for its management.⁹⁸ Inspection or investigation is made by the grand jury at the beginning of each regular session,⁹⁹ and by the board of commissioners every three months.¹

⁸⁴ Acts 1905; Burns 9-826; Baldwin 2122.

⁸⁵ Acts 1905; Burns 9-801; Baldwin 2097.

⁸⁶ Acts 1905; Burns 9-901; Baldwin 2123.

⁸⁷ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

⁸⁸ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

⁸⁹ Both were established by the Constitution of 1816, art. 4, sec. 25, and re-established by the present Constitution, art. 6, sec. 2.

⁹⁰ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

⁹¹ Acts 1881 (Spec. Sess.); Burns 3-302; Baldwin 725.

⁹² 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

⁹³ *Doering v. State*, 49 Ind. 56, 19 Am. Rep. 669; *Hart v. State*, 195 Ind. 384, 145 N. E. 449.

⁹⁴ Acts 1905, 1937; Burns, 1938 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

⁹⁵ Const., art. 7, sec. 15.

⁹⁶ *Ibid.*, sec. 18.

⁹⁷ 1 Rev. Stat. 1852; Burns 13-1001; Baldwin 13448.

⁹⁸ 1 Rev. Stat. 1852; Burns 13-1004; Baldwin 13453.

⁹⁹ 1 Rev. Stat. 1852; Burns 13-1002; Baldwin 13449.

¹ Acts 1909; Burns 13-1008; Baldwin 13460.

EDUCATION

The public school system of Indiana began with the Ordinance of 1787.² The first financial support for a public school system came from sale of lands of section 16 of each Congressional township.³ Interest in education did not grow in the state before 1850, and it was not until after the Constitution of 1851 and the school law of 1852 that education received any serious attention.⁴ The school law of 1865 brought the most complete revision.⁵

The constitution provides that the general assembly shall encourage and provide for a general and uniform system of common schools.⁶

Several sources of revenue specified in the Constitution of 1851 were grouped into one fund that became known as the common school fund.⁷ With the growth of this fund, there came an increase in enrollment and an increase in the length of the school term; and, though many schools were consolidated, there was a growth in the valuation of school property.

In 1865, the enrollment in the common schools of St. Joseph County was 5,702 pupils.⁸ The length of the term averaged 79 days.⁹ At this time there were no high schools, but a county seminary had been established some years before.¹⁰

By 1885, the enrollment in the public schools had jumped to 6,911 pupils, and the high school had become an accepted part of the educational system. However, the only high schools were in South Bend and Mishawaka. The length of the term had grown to 163 days. There were 120 school buildings in the county, though most of them were one-room schools. The valuation of all the school property was \$298,650.¹¹

Statistics for 1938 show that St. Joseph County now has 31,338 pupils schooled in 59 school units, of which 15 are high schools or grade and high schools combined. The length of the school term has become 168 days, and the total valuation is now \$13,111,692.51.¹²

There are three types of school organizations. The schools that are commonly known as county schools are, in reality, township schools and are operated by the township trustee. There are also town and city schools. These are operated in a similar manner by school boards. In cities or towns of not over 58,000 population (Mishawaka and Walkerton-Lincoln), the common council appoints a school board of three members.¹³ For school purposes, cities of over 58,000 (South Bend) are

² Ordinance 1787, art. 3.

³ 3 U. S. Stat. 289, sec. 6 (1); Burns, vol. 1, p. 302.

⁴ Const., art. 8; Acts 1852.

⁵ Acts 1865; Burns 28-101; Baldwin 6499.

⁶ Const., art. 8, sec. 1.

⁷ Const., art. 8, sec. 2-7. Burns 28-101; Baldwin 6499.

⁸ *Annual Report* of State Superintendent of Public Instruction, 1865.

⁹ *Ibid.*

¹⁰ See Historical Sketch under part A 1 of this book.

¹¹ *Annual Report* of State Superintendent of Public Instruction, 1885-86.

¹² *Annual Report* of State Superintendent of Public Instruction, 1938.

¹³ Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5692.

classified according to population, and separate statutes govern each classification.¹⁴

The county superintendent, who is elected by the township trustees, has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education.¹⁵ He has no supervision of city or town schools.¹⁶

The township trustees, the county superintendent, and the chairman of the school trustees of each city and town in the county compose the county board of education. However, the city and town trustees do not take an active part in the business of the board. The board meets semiannually and considers the general needs of the schools.¹⁷

Attendance is compulsory in all the schools in the county for every child between the ages of seven and sixteen. Exceptions are based on physical or mental condition and on court decisions.¹⁸

In 1816, the Congressional township fund was provided for the development of the public school system. The fund was composed of the proceeds of the sale of the lands of section 16 of every Congressional township.¹⁹ The fund was not very well handled during these years, and the public schools were allowed to struggle on as well as they could.²⁰

By 1850, the people of the state were convinced that something more should be done for the support of the school system. Acts of the general assembly devoted moneys from various sources (enumerated below) to the schools, but negligent—not to say, in some instances, fraudulent—management oftentimes depleted adequate provision for education. Thus, the Constitution of 1851 established the common school fund—²¹ composed of the Congressional township fund, the lands belonging thereto; the United States surplus revenue; the bank tax fund; the saline fund and the lands belonging thereto; the funds to be derived from the sale of county seminaries; fines and forfeitures; and the proceeds from the sales of all lands that belonged to the state in 1851.²²

The constitution further provided that the principal of the common school fund would remain a perpetual fund and be invested so that it might increase but never diminish; and that only the interest earned by the fund may be expended.²³ The general assembly was given the right to invest all funds that were not already under the supervision of the counties; and they were to distribute the interest to the counties.²⁴ Interest at the rate of five percent is charged on the common school fund

¹⁴ Acts 1905, 1921; Burns 28-1202; Baldwin 5693.

¹⁵ Acts 1899, 1911, 1913; Burns 28-702, 28-704; Baldwin 5931, 5938.

¹⁶ Acts 1899; Burns 28-705; Baldwin 5940.

¹⁷ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Interview with Grover Van Duyn, assistant state superintendent of public instruction.

¹⁸ Acts 1921; Burns 28-505; Baldwin 6698.

¹⁹ 3 U. S. Stat. 289, sec. 6 (1); Burns, vol. 1, p. 302.

²⁰ Logan Esarey, *History of Indiana* (1924), 2:679, sec. 122.

²¹ Const., art. 8, secs. 2-7.

²² Const., art. 8, sec. 2; Acts 1865; Burns 28-101; Baldwin 6499.

²³ Const., art. 8, sec. 3.

²⁴ Const., art. 8, sec. 4.

and on the Congressional township fund. For the school year of 1937-38, St. Joseph County received a total of \$32,677.07 from the interest on the common school fund, and a total \$1,869.15 from the Congressional township fund.²⁵ These funds are for tuition purposes. Since 1865, they have been kept by the county auditor as separate funds.²⁶ Each county is held liable for the preservation of the funds entrusted to it, and for the payment of the annual interest.²⁷

In 1933, the general assembly began a plan for state aid to the schools. There are three main sources of funds that are returned to the county.

From the general fund, though based on revenue collected by the gross income tax, the state supplies the county with tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades one to eight, and for each unit of 25 pupils in average daily attendance in grades nine to twelve.²⁸ The total amount received by St. Joseph County from this source during the 1937-38 school year was \$621,950.00.²⁹

From the moneys collected by the excise tax on alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance (which took the place of the enumeration).³⁰ St. Joseph County received \$34,154.96 from this source for the school year 1937-38.³¹

A state stamp tax on intangible property has provided further financial aid to the schools. The money is collected and held separate from the general fund. Of the total amount, ten percent is kept by the state for the expense of administering that tax, and the remaining amount is apportioned to the counties in the proportion that the assessed valuation of real property in each county bears to the aggregate assessed valuation of real property in the state. The county then retains for its general fund one-fourth of the amount received and distributes the remainder to the school taxing units. Apportionment among such units is based on assessed valuation of real property of the county.³² For the school year 1937-38, the school taxing units of St. Joseph County received \$55,546.62 from this source.³³

In 1933, the common school relief fund was established for the purpose of aiding schools to continue in operation. The fund is derived from a seven-cent tax levy on each \$100 of taxable property, real or personal, and a poll tax of 50 cents on each taxable poll.³⁴ Any school needing financial aid must file a certificate with the county superintendent of schools stating its needs.³⁵ The county superintendent

²⁵ *Annual Report of State Superintendent of Public Instruction, 1937-38.*

²⁶ Acts 1865; Burns 28-106; Baldwin 6512.

²⁷ Const., art. 8, sec. 6; Burns 28-104; Baldwin 6499-1.

²⁸ Acts 1933, 1935, 1937; Burns 28-1001, 28-1002; Baldwin 6502, 6503.

²⁹ *Indiana Year Book, 1938, p. 444.*

³⁰ Acts 1935; Burns 12-811; Baldwin 3764-40f.

³¹ *Annual Report of State Superintendent of Public Instruction, 1937-38.*

³² Acts 1933; Burns 64-922; Baldwin 15920.

³³ *Annual Report of State Superintendent of Public Instruction, 1937-38.*

³⁴ Acts 1933; Burns 28-901; Baldwin 6431.

³⁵ Acts 1933; Burns 28-903; Baldwin 5433.

forwards the certificate to the state board of education,³⁶ and this board and the state board of accounts must examine it and decide on the amount to be allotted to the school unit.³⁷ Money received must first be used to cover unpaid operating expenses; any surplus must be used for the operating expenses of the current year.³⁸

PUBLIC WORKS AND PROPERTY

The board of commissioners has power: To make orders respecting the property of the county in conformity to law; to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; to grant licenses, permits, or franchises with respect to the use of the property of the county.³⁹ No sale, conveyance, or purchase, by the board, of real estate of the value of \$1,000 can take place except pursuant to ordinance of the county council authorizing such sale or purchase and fixing the terms and conditions thereof.⁴⁰ The board cannot sell county property, real or personal, except at public auction after 60 days' notice by publication and posting.⁴¹

ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads⁴² and bridges.⁴³ Generally, the preliminary procedure for such construction is as follows: Taxpayers file with the board of commissioners a petition requesting the improvement; notice of hearing before the board is published; taxpayers opposing the petition file remonstrances; viewers appointed by the board make inspection and recommendations; damages to landowners are determined; the petition is finally approved; a contract for the work is let; and the damages are paid. In some instances, bonds may be issued for the construction of roads⁴⁴ and bridges,⁴⁵ and special assessment liens charged against the

³⁶ Acts 1933; Burns 28-904; Baldwin 6434.

³⁷ Acts 1933; Burns 28-905; Baldwin 6435.

³⁸ Acts 1933, 1935; Burns, 1938 suppl., 28-907; Baldwin 6437.

³⁹ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236.

⁴⁰ Acts 1899; Burns 26-534; Baldwin 5399.

⁴¹ Acts 1907; Burns 26-2008; Baldwin 5107.

⁴² Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.*; Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1923; Burns 36-1001; Baldwin 9020. Acts 1905; Burns 36-1204; Baldwin 8807. Acts 1905; Burns 36-1301 *et seq.*; Baldwin 8787 *et seq.* Acts 1921; Burns 36-1401 *et seq.* Baldwin 8904 *et seq.*

⁴³ Acts 1905, 1907, 1929; Burns 36-1901; Baldwin 9236. Acts 1905, 1911, 1913; Burns 36-2001; Baldwin 9191. Acts 1903, 1923; Burns 36-2002; Baldwin 9192. Acts 1920; Burns 36-2401 *et seq.*; Baldwin 9151 *et seq.*

⁴⁴ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1435 to 36-1443; Baldwin 8938 to 8946. Acts 1937; Burns, 1938 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

⁴⁵ Acts 1920 (Spec. Sess.); Burns 36-2402; Baldwin 9152. Acts 1927; Burns 36-2421; Baldwin 9171. Acts 1929, 1937; Burns, 1938 suppl., 36-2432; Baldwin, 1937 suppl., 9182. Acts 1927; Burns 36-2441; Baldwin 9128.

land benefited by the road.⁴⁶ The county may render financial assistance to the state highway commission in the construction of any state highway located wholly within the county, and any bridge (on such highway) over a stream forming the county boundary.⁴⁷

The county surveyor ordinarily prepares the plans and specifications for, and has general supervision of, the construction of roads and bridges. If he is not a competent civil engineer, the board may appoint a competent civil engineer to perform such duties.⁴⁸

The county surveyor, or a highway supervisor (other than the surveyor) appointed by the board, has general supervision of the maintenance and repair of all roads, bridges, and culverts which are maintained from the highway fund of the county.⁴⁹ He makes maps of all county roads, and gives each road a name or number, so that the roads may be efficiently patrolled for making repairs.⁵⁰ Weeds must be cut and removed each year between June 15 and September 1.⁵¹

All expenses incurred in the maintenance, repair, and preservation of county roads must be paid out of funds received by the county from the motor vehicle highway account of the state; and no tax can be levied for such purpose except by the unanimous vote of the county council in case of extraordinary emergency or indispensable necessity.⁵²

DRAINAGE

Drainage districts and special assessments liens on the land in the benefited area, to pay for the drainage, may be established by the circuit court or superior court on petition of landowners, after reference to the surveyor.⁵³ The petition will be dismissed if owners of two-thirds of the land affected remonstrate within 20 days.⁵⁴ If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report of the surveyor, notice to the landowners, and hearing by the court.⁵⁵ After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the same manner in which taxes are collected.⁵⁶

The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees. He makes all necessary surveys, maps, plans, and specifications when courts grant petitions for construction.⁵⁷ The law requires that open ditches be cleaned out and repaired biennially, and that weeds, willows, and debris be re-

⁴⁶ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

⁴⁷ Acts 1923, 1929; Burns 36-136 to 36-141; Baldwin 8672 to 8675, 8678, 8679.

⁴⁸ 1 Rev. Stat. 1852; Acts 1911; Burns 49-3309; Baldwin 5508.

⁴⁹ Acts 1933; Burns 36-1102; 36-1110; Baldwin 8700, 8078.

⁵⁰ Acts 1933; Burns 36-1109; Baldwin 8077.

⁵¹ Acts 1939, ch. 140, sec. 1.

⁵² Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937, 1939; Burns, 1939 suppl., 36-2804; Baldwin, 1939 suppl. —. Acts 1937; Burns, 1938 suppl., 38-2306; Baldwin, 1937 suppl.

⁵³ Acts 1933; Burns 27-104, 27-109, 27-116, 27-134; Baldwin 5740, 5745, 5752, 5770.

⁵⁴ Acts 1933; Burns 27-108; Baldwin 5744.

⁵⁵ Acts 1933; Burns 27-122; Baldwin 5753.

⁵⁶ Acts 1933; Burns 27-134; Baldwin 5770.

⁵⁷ Acts 1933; Burns 27-101, 27-201; Baldwin 5737, 5775. 1 Rev. Stat. 1852; Acts 1911; Burns 49-3309; Baldwin 5508.

moved therefrom annually, and that public tile drains be repaired whenever necessary.⁵⁸

The board of commissioners may, by purchase or eminent domain, acquire lands and rights necessary to obtain a right-of-way for drainage or easement for sewers, when necessary for the proper maintenance of any county building or institution.⁵⁹

PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer and auditor to be erected and furnished, where the same has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.⁶⁰

For the purpose of acquiring a new courthouse, the board, without appraisalment and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse grounds. The proceeds of sale can be used only for such purpose. Additional funds for such purpose may be raised by issuing bonds or notes.⁶¹

If the courthouse or jail is wholly or partly destroyed by fire or windstorm, it may be reconstructed or repaired by the board, and bonds issued therefor, and a tax levied to pay for the bonds.⁶²

County buildings, not needed by the courts or for county business, may be leased to the city or town in which such buildings are located for a term not exceeding ten years in any one lease,⁶³ or to private persons or corporations for a term not exceeding five years.⁶⁴

The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town.⁶⁵

Contracts for construction of public buildings may be let by the board of commissioners in pursuance of appropriation by the county council,⁶⁶ after plans and specifications adopted by the board have remained in the auditor's office 30 days open to public inspection, notice inviting bids has been published, and bids, affidavits, and bonds have been received from bidders.⁶⁷

OTHER PUBLIC PROPERTY

The board of commissioners may, without petition, purchase or otherwise acquire lands within the county for park purposes and make

⁵⁸ Acts 1933, 1935; Burns, 1938 suppl., 27-203, 27-210; Baldwin, 1935 suppl., 5777, 5784. See Acts 1939, ch. 68.

⁵⁹ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-6.

⁶⁰ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240.

⁶¹ Acts 1917, 1920 (Spec. Sess.); Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

⁶² Acts 1935; Burns, 1938 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

⁶³ Acts 1909; Burns 26-1801 to 26-1804; Baldwin 5151 to 5154.

⁶⁴ Acts 1919; Burns 26-1805 to 26-1810; Baldwin 5155 to 5160.

⁶⁵ Acts 1903; Burns 26-1901 to 26-1906; Baldwin 5146 to 5164.

⁶⁶ Acts 1899; Burns 26-525; Baldwin 5389.

⁶⁷ Acts 1899; Burns 26-537; Baldwin 5402. Acts 1907; Burns 26-2001 to 26-2005; Baldwin 5100 to 5104.

the necessary improvements thereof.⁶⁸ If 200 persons, who are taxpayers and voters, petition the board to acquire land for park purposes, the board gives 60 days' notice by publication and conducts a public hearing on the question. If 20 percent of the resident taxpayers file remonstrances on or before the day fixed for hearing, the petition will be dismissed.⁶⁹ The board may acquire land to convey to the state for park purposes, on petition of 200 persons who are taxpayers and voters, publication of 30 days' notice, public hearing, consent of the governor and the director of the state department of conservation, fixing tax levy, and issuing bonds (if needed). The petition will be dismissed if 25 percent of the resident taxpayers file remonstrances before the date fixed for hearing.⁷⁰

The board of commissioners may acquire, by purchase or gift, any lands within the county for the purpose of a permanent public forest.⁷¹ Purchase for such purpose may be made on petition signed by 50 or more freeholders of the county, after publication of notice, a public hearing, and fixing a tax levy to pay for same. Money may be raised by bond issue or temporary loan.⁷² A gift of lands to the county on condition that they be maintained as a public forest can be accepted only by a majority of the board of commissioners and county council in joint session.⁷³ Any taxpayer may appeal to the circuit court.⁷⁴

Saline and meander lands bordering on lakes and streams, owned by the state, may be purchased by the county to be used for a public park or public forest, or both, on order of the board of commissioners, by filing petition with the circuit or superior court, appraisal of lands, and payment of value.⁷⁵

The board may permit county lands within one and one-half miles of a city or town to be used by such city or town for park purposes. Title to the land remains in the county.⁷⁶

The county may, separately or in conjunction with another county or city, acquire, maintain, and dispose of airports and appurtenances necessary and useful in connection therewith.⁷⁷

Lands conveyed to the board of commissioners for the purpose of a public or private cemetery shall be held by the board forever in trust for such purpose,⁷⁸ subject to the exceptions hereinafter stated. The board, in which title is vested, may convey any public cemetery to any city or town within the vicinity thereof on application of such city or town,⁷⁹ and may convey any cemetery, public or private, to a cemetery

⁶⁸ Acts 1923, 1927; Burns 26-1501; Baldwin 5199.

⁶⁹ Acts 1923; Burns 26-1503, 26-1504; Baldwin 5201, 5202.

⁷⁰ Acts 1927; Burns 26-1512 to 26-1516; Baldwin 5190 to 5194.

⁷¹ Acts 1929; Burns 32-101; Baldwin 4875.

⁷² Acts 1929, 1935; Burns, 1938 suppl., 32-102; Baldwin, 1935 suppl., 4876.

⁷³ Acts 1929; Burns 32-105; Baldwin 4879.

⁷⁴ Acts 1929, 1935; Burns, 1938 suppl., 32-109; Baldwin, 1935 suppl., 4881.

⁷⁵ Acts 1929; Burns 62-217 to 62-225; Baldwin 15260 to 15268.

⁷⁶ Acts 1911; Burns 26-1526 to 26-1531; Baldwin 5181 to 5186.

⁷⁷ Acts 1920 (Spec. Sess.), 1921; Burns 14-301 to 14-306; Baldwin 4021, 7991, 4023 to 4026.

⁷⁸ 1 Rev. Stat. 1852; Burns 25-1520; Baldwin 10599.

⁷⁹ Acts 1905; Burns 48-6003; Baldwin 12665.

association on petition of a majority of the persons, being residents of the county and heads of families, whose dead are buried in the cemetery.⁸⁰

COUNTY PLANNING

A county planning commission was established in St. Joseph County in August 1938, under an act of 1935,⁸¹ for the purpose of providing safe and pleasant living conditions and proper utilization of natural, agricultural, and industrial resources and facilities.⁸² It is the duty of the commission to adopt a master plan for such purpose, covering a ten-year period.⁸³ After the adoption of the master plan, no county highway, park, forest, reservation, or buildings shall be constructed or authorized by any board, officer, or commission until submitted to the planning commission for advice and recommendation.⁸⁴

The commission may prepare and submit to the board of commissioners drafts of ordinances for the purpose of carrying out the master plan, including zoning or land-use regulations.⁸⁵

SOCIAL SERVICES

Since the beginning of the twentieth century, the functions of government have become more concerned with the sociological aspects of our society. As a result of this development, we have a complicated system of laws dealing with health and sanitation; assistance to the poor, aged, and crippled; aids to agriculture; inspection of commodities; and traffic control of county highways.

The board of commissioners makes suitable rules and regulations covering traffic on highways in the county, and takes steps necessary to enforce the rules. If the highway is on a county line, the boards of commissioners of the respective counties, in joint session, make the rules.⁸⁶ The highway supervisor has police power in the control of the highways of the county and may fix the limits of the loads for any highway, bridge, or culvert.⁸⁷

The statewide interest in agriculture was so strong in 1851 that the constitution of that year provided that agricultural improvement should be encouraged.⁸⁸ Later the office of agricultural agent was established for the purpose of furthering local agricultural education, and for co-operating with and advising farmers and teachers.⁸⁹ Allowances may be made out of the county's general fund to agricultural societies for the promotion of agricultural and horticultural interests.⁹⁰

⁸⁰ Acts 1881 (Spec. Sess.) ; Burns 21-210, 21-211 ; Baldwin 4626, 4627.

⁸¹ Acts 1935 ; Burns, 1938 suppl., 26-2301 ; Baldwin, 1935 suppl., 5205-1.

⁸² Acts 1935 ; Burns, 1938 suppl., 26-2301 ; Baldwin, 1935 suppl., 5205-1.

⁸³ Acts 1935 ; Burns, 1938 suppl., 26-2304, 26-2308 ; Baldwin, 1935 suppl., 5205-4, 5205-8.

⁸⁴ Acts 1935 ; Burns, 1938 suppl., 26-2307 ; Baldwin, 1935 suppl., 5205-7.

⁸⁵ Acts 1935 ; Burns, 1938 suppl., 26-2309 ; Baldwin, 1935 suppl., 5205-9.

⁸⁶ Acts 1919 ; Burns 36-706 ; Baldwin 8899.

⁸⁷ Acts 1933 ; Burns 36-1102, 36-1110 ; Baldwin 8700, 8708.

⁸⁸ Const., art. 8, sec. 1.

⁸⁹ Acts 1913, 1923, 1927 ; Burns 28-4911 ; Baldwin 6457.

⁹⁰ Acts 1877 ; Burns 15-314 ; Baldwin 5333.

HEALTH

The county has a health officer,⁹¹ who is responsible to the board of commissioners and the state board of health.⁹² This local officer is really the agent of the state health officers; and, as such, he performs the duties of local health administration.

As an aid to the prevention of the pollution of water courses,⁹³ the health officer sends samples of water to the state laboratory for inspection. The county health officer serves as an inspector, under direction⁹⁴ of the state board, in cases of questionable foods and drugs. He endeavors to promote sanitary conditions for the sale of food.⁹⁵

It is the duty of the local health officer to abate conditions promoting diseases;⁹⁶ to disinfect public conveyances;⁹⁷ to order the vacation of dwellings unfit for human habitation;⁹⁸ to quarantine contagious and infectious patients;⁹⁹ to remove sick from hotels, boarding houses, and other buildings of like character;¹ and to abate public nuisances.²

The state board distributes scarlet fever and tetanus antitoxin, antirabic virus, insulin,³ pneumonia serum, diphtheria toxoid, smallpox virus, and typhoid vaccine⁴ to the county, which pays for them and furnishes them to the poor free of charge.

A recent statute provides that all persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is free from syphilis in an infectious state. Before giving such a certificate, the physician must have a blood specimen of the applicant examined by the laboratory of the state board of health or a laboratory approved by the board. The test must be made not more than 30 days before the application for a license. This law does not go into effect until March 1, 1940.⁵

Before the turn of the century, the maintenance of hospitals had been left largely to cities and private associations; but laws now provide for the establishment and maintenance of hospitals by the board of commissioners whenever they find need for them,⁶ on the petition of resident freeholders,⁷ in co-operation with private associations.⁸ Train-

⁹¹ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁹² Acts 1935; Burns, 1938 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

⁹³ Acts 1909; Burns 35-201; Baldwin 8410.

⁹⁴ Acts 1907; Burns 35-1207; Baldwin 8476.

⁹⁵ Acts 1909; Burns 35-1009; Baldwin 8512.

⁹⁶ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

⁹⁷ Acts 1903; Burns 35-410; Baldwin 8540.

⁹⁸ Acts 1917; Burns 35-1801; Baldwin 8563.

⁹⁹ Acts 1903; Burns 35-403; Baldwin 8533.

¹ Acts 1903; Burns 35-407; Baldwin 8537.

² Acts 1891, 1909; Burns 35-111; Baldwin 8405.

³ Acts 1907, 1919, 1929, 1935; Burns, 1938 suppl., 35-701; Baldwin, 1935 suppl., 13392.

⁴ Acts 1939, ch. 5.

⁵ Acts 1939, ch. 100.

⁶ Acts 1903, 1939; Burns, 1939, suppl., 22-3201; Baldwin, 1939, suppl., 4507.

⁷ Acts 1917, 1919, 1921, 1925, 1927, 1929; Burns 22-3215, 22-3216; Baldwin 4517, 4537.

⁸ Acts 1903, 1905; Burns 22-3202; Baldwin 4508.

ing schools for nurses,⁹ detention departments for insane patients,¹⁰ tuberculosis departments,¹¹ and veterinary laboratories¹² are maintainable in connection with these hospitals. The board of commissioners has established and now maintains a tuberculosis hospital,¹³ Healthwin Sanitorium. The county hospital is for the benefit of all inhabitants of the county; of any person falling sick or being injured within its limits; and of any nonresidents to whom the hospital board may extend its benefits. All persons who are financially able must pay for medical attention furnished them.¹⁴ Township trustees pay for care given indigent patients from their respective townships.¹⁵

VITAL STATISTICS

In Indiana the collection of vital statistics is supervised by the state board of health.¹⁶ The county health officer makes the collection of local data on forms supplied by the state board of health, and periodically turns over to the board reports of all records. The health officer collects statistics of births, deaths, marriages, and communicable diseases; and physicians, midwives, and all responsible householders are required to notify him.¹⁷

All birth reports are to be made to the health officer within 36 hours after birth. A child that lives and breathes after birth, no matter how brief the period, and regardless of the period of gestation, is a living child; and if he thereafter dies, his birth and death must be reported and recorded.¹⁸

Deaths are reported as soon as possible because a body may not be buried until a burial permit has been made by the health officer in charge, and burial permits are not issued until the death certificate is completed. Burial may be made anywhere in the state regardless of the county in which the permit was issued. When a death occurs outside the state, and the body is brought into the state for interment, the burial permit must be based on the transportation permit, and no record of said death is required. If death has occurred by means of violence or criminal practices, the death notice is referred to the coroner.¹⁹ The burial permit is preserved with the records of the cemetery.²⁰

The clerk of the circuit court issues all marriage licenses, and makes a monthly report of all marriages to the county health officer. The health officer records each marriage in his record book, and sends

⁹ Acts 1917, 1923; Burns 22-3233; Baldwin 4531.

¹⁰ Acts 1917; Burns 22-3234; Baldwin 4532.

¹¹ Acts 1917; Burns 22-3235; Baldwin 4533.

¹² Acts 1917; Burns 22-3236; Baldwin 4534.

¹³ Acts 1913, 1917, 1927; Burns 22-3301; Baldwin 4478.

¹⁴ Acts 1917; Burns 22-3229; Baldwin 4527.

¹⁵ Acts 1903, 1917; Burns 22-3206, 22-3237; Baldwin 4512, 4535.

¹⁶ Acts 1907, 1913; Burns 35-116; Baldwin 8399.

¹⁷ Acts 1907, 1913; Burns 35-115; Baldwin 8398.

¹⁸ Acts 1907, 1911, 1913; Burns 35-115, 35-901; Baldwin 8398, 8558. Rule 4 of State Board of Health.

¹⁹ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 3 of State Board of Health.

²⁰ Acts 1939, ch. 142, sec. 21.

a quarterly report to the state board of health. All marriages must be reported by the person performing same, within three days on official blanks, to the clerk of the circuit court of the county where the license was issued.²¹

Weekly reports, provided by the United State Public Health Service, summarizing all communicable diseases, are made by the local health officers to the state board of health. The report, stating such to be the case, is made even if there are no diseases to report.²²

The heads of all institutions, such as hospitals, poor asylums, and places of confinement, are required to keep all statistics concerning the inmates and make reports directly to the state board of health as required by the board.²³

WEIGHTS AND MEASURES

Since 1852, the county has maintained standards of weights and measures.²⁴ The inspector of weights and measures is charged with the responsibility of checking on all weights or measures used in the county in the sale or use of public commodities.²⁵ The inspector is dually responsible to the board of commissioners and to the state bureau of weights and measures.²⁶

WELFARE ASSISTANCE

An important service is the administration of the Public Welfare Act. Welfare assistance is supervised by the county welfare board.

An applicant for old-age assistance must be 65 years old; must be a citizen of the United States; must have lived in the state for five years out of the last nine, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have assigned his property within the five years immediately prior to his application.²⁷ He must name all property in which he has an interest and any other income he has,²⁸ agree to reimburse the county for assistance given him, and assign as collateral security such part of his personal property as the county department of public welfare may require.²⁹ After an investigation of his needs, the county department grants him assistance, never exceeding \$30 a month.³⁰ A copy of the certificate is filed in the office of the recorder, and constitutes a lien

²¹ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 5 of State Board of Health.

²² Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 6 of State Board of Health.

²³ Acts 1907, 1913; Burns 35-117; Baldwin 8400.

²⁴ 1 Rev. Stat. 1852; Burns 69-101.

²⁵ Acts 1925; Burns 69-106; Baldwin 16337.

²⁶ Acts 1925; Burns 69-104; Baldwin 16335.

²⁷ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1201; Baldwin, 1937 suppl., 14078-32.

²⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1204; Baldwin, 1937 suppl., 14078-35.

²⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1213; Baldwin, 1937 suppl., 14078-44.

³⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1203; Baldwin, 1937 suppl., 14078-34.

on any real property he owns.³¹ With the consent of the state department of welfare, the county department may demand a transfer of all property he owns, on the sole condition that if assistance is suspended or if he dies the property will revert to him or his estate, subject to a lien for sums the state has paid him.³²

A blind applicant must be 21 years old if a male and 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or have lived in the state five of the last nine years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; must not have transferred his property within the five years immediately prior to his application; and must not solicit alms while receiving assistance.³³ The amount he receives is determined by the county after an investigation of his needs,³⁴ and never exceeds \$30 a month³⁵ except as temporary assistance is given for treatment of his eyes.³⁶ Blind children may be sent to the school for the blind at Indianapolis.³⁷

A dependent or destitute child must have lived in the state one year preceding his application for assistance or be born within the state during the year, his mother having resided in the state one year before his birth.³⁸ A destitute child³⁹ may receive as much as \$23 a month,⁴⁰ and is eligible for any other relief he may require.⁴¹ The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month.⁴² Crippled children may be placed in any public or private hospital or be sent to the Riley Hospital at Indianapolis.⁴³ Diseased and defective children are placed in any public hospital in the county by the judge of the circuit court.⁴⁴ Orphan, dependent, and neglected children under 16 years of age are placed in the private

³¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

³² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1214; Baldwin, 1937 suppl., 14078-45.

³³ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1221; Baldwin, 1937 suppl., 14078-52.

³⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1225; Baldwin, 1937 suppl., 14078-56.

³⁵ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1223; Baldwin, 1937 suppl., 14078-54.

³⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1236; Baldwin, 1937 suppl., 14078-67.

³⁷ Acts 1865; Burns 22-601 *et seq.*; Baldwin 4560 *et seq.*

³⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1240, 52-1268; Baldwin, 1937 suppl., 14078-71, 14078-97b.

³⁹ Acts 1937; Burns, 1938 suppl., 52-1267; Baldwin, 1937 suppl., 14078-97a.

⁴⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1269; Baldwin, 1937 suppl., 14078-97c.

⁴¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1278; Baldwin, 1937 suppl., 14078-97i.

⁴² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1241; Baldwin, 1937 suppl., 14078-72.

⁴³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1256; Baldwin, 1937 suppl., 14078-87.

⁴⁴ Acts 1933; Burns 52-501; Baldwin 5700.

orphans' home or in private homes under supervision of the board of commissioners.⁴⁵

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of parents or a person standing in loco parentis to such child, except pursuant to a court order.⁴⁶ Persons receiving aid under the Welfare Act are ineligible for other public relief.⁴⁷ Assistance is not assignable, is not subject to legal process, and is not an asset in bankruptcy proceedings.⁴⁸ When a blind person moves to another county in the state, no assistance he is receiving is suspended;⁴⁹ and children and the aged may receive aid for another year from the county from which they moved.⁵⁰

If a person is unable to care for himself, the county department pays this relief money to some responsible person for his benefit.⁵¹ If a recipient of relief dies leaving an estate insufficient to bury him, and the persons legally responsible for his burial are unable to pay the expenses, the county department pays \$75 for his funeral and an additional \$25 for a burial lot.⁵²

An appeal may be taken from the county department to the state department.⁵³ Nothing in the Welfare Act relieves any person from liability for the support of parent, child, or spouse.⁵⁴

Poor relief is administered by the township trustees. The county maintains an asylum for the poor.⁵⁵ Residents of the county,⁵⁶ paupers,⁵⁷ and nonresidents requiring temporary relief⁵⁸ may be placed therein. The law prohibits the keeping of children in the asylum.⁵⁹ They must be placed in an orphans' home (there is no county institution).⁶⁰ Anyone refused relief by a township trustee has a right to a hearing before

⁴⁵ Acts 1897; Burns 22-2601, 22-2605; Baldwin 4382, 4385.

⁴⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1417; Baldwin, 1937 suppl., 14078-130.

⁴⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1202, 52-1222; Baldwin, 1937 suppl., 14078-33, 14078-53.

⁴⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1210, 52-1231; Baldwin, 1937 suppl., 14078-41, 14078-62.

⁴⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1239; Baldwin, 1937 suppl., 14078-70.

⁵⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1218; 52-1248; Baldwin, 1937 suppl., 14078-49, 14078-79.

⁵¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1208, 52-1229; Baldwin, 1937 suppl., 14078-39, 14078-60.

⁵² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1209, 52-1230; Baldwin, 1937 suppl., 14078-40, 14078-61.

⁵³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1211, 52-1232, 52-1246; Baldwin, 1937 suppl., 14078-42, 14078-63, 14078-77.

⁵⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

⁵⁵ Const., art. 9, sec. 3. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1938 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

⁵⁶ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 52-201, 52-146; Baldwin, 1935 suppl., 13360, 13320-3.

⁵⁷ Acts 1935; Burns, 1938 suppl., 52-151; Baldwin, 1935 suppl., 13320-8.

⁵⁸ Acts 1935; Burns, 1938 suppl., 52-163; Baldwin, 1935 suppl., 13320-20.

⁵⁹ Acts 1897, 1901; Burns 22-2608; Baldwin 4388.

⁶⁰ Acts 1897; Burns 22-2605; Baldwin 4385.

the board of commissioners⁶¹ and to an appeal from the board to the circuit court.⁶² The board of commissioners may borrow for poor relief, if the funds available are not sufficient.⁶³

ELECTIONS

The constitution provides that all elections shall be free and equal, prescribes the length of residence required of an elector, designates the time of holding elections, and gives the general assembly power to provide for the registration of voters.⁶⁴

All citizens of the United States, of the age of 21 years and upwards, resident in the state six months, in the township 60 days, and in the precinct 30 days, immediately preceding an election, are entitled to vote. All citizens of foreign birth who have resided in the United States one year and have the age and residence qualifications prescribed above, also may vote, if they have declared their intention to become naturalized.⁶⁵ Registration is required of all voters.⁶⁶ There were 100,776 registered voters in St. Joseph County for the general election in November 1938.⁶⁷

The board of commissioners participates in various ways in the conduct of elections. The more important functions of the board in that connection are those of establishing election precincts and changing their boundaries;⁶⁸ providing rooms for polling places and equipping them with voting booths;⁶⁹ and providing ballot boxes and/or voting machines for the several precincts.⁷⁰

The registration officer (the clerk of the circuit court ex-officio) conducts the registration of voters.⁷¹

Primary elections are held on the first Tuesday after the first Monday in May preceding the general elections.⁷² They are held under the supervision of the board of primary election commissioners, consisting of the clerk of the circuit court and two persons, of opposite political parties, appointed by him. This board prepares and distributes ballots for the primary elections,⁷³ and serves as the board of election commissioners at the general election for which nominations are made at the primary election.⁷⁴

⁶¹ Acts 1935; Burns, 1938 suppl., 52-160; Baldwin, 1935 suppl., 13320-17.

⁶² 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276.

⁶³ Acts 1935; Burns, 1938 suppl., 52-604; Baldwin, 1935 suppl., 13359-1.

⁶⁴ Const., art. 2, secs. 1, 2, 14.

⁶⁵ Const., art. 2, sec. 1. Acts 1881; Burns 29-703; Baldwin 7083.

⁶⁶ Acts 1933; Burns 29-301; Baldwin 7299.

⁶⁷ *Year Book of the State of Indiana for the Year 1938* (1939), 1106.

⁶⁸ Acts 1889, 1907; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

⁶⁹ Acts 1897; Burns 28-1121; Baldwin 7135. Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154.

⁷⁰ Acts 1901, 1903; Burns 29-2404; Baldwin 7352. Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. See Acts 1939, ch. 113 (not effective at time of writing).

⁷¹ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

⁷² Acts 1915, 1917; Burns 29-508; Baldwin 7194.

⁷³ Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁷⁴ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

General elections are held biennially on the first Tuesday after the first Monday in November.⁷⁵ County officers elected by the people are county commissioners, county councilmen, judges of the circuit and superior courts, prosecuting attorney, clerk of the circuit court, auditor, treasurer, sheriff, coroner, recorder, surveyor, and assessor. These elections are held under the supervision of the board of election commissioners, which prepares and distributes the ballots.⁷⁶

The board of canvassers consisting of the election commissioners,⁷⁷ with the clerk of the circuit court acting as clerk,⁷⁸ tabulates and compiles the election returns of the county,⁷⁹ and files all data, canvass sheets, certificates, poll books, and tally papers in the office of the clerk, who certifies the candidates elected.⁸⁰

RECORDS SYSTEM

The records of St. Joseph County began with its creation in 1830. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each respective office. In 1909, the general assembly established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.⁸¹ Under this law some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are typed. The quality of the paper and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

A recent statute provides that the board of commissioners may provide for the installation of a modern tax accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board of accounts.⁸² A modern system has been installed in St. Joseph County under the authority of that statute.

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records.⁸³

In event of the loss or destruction, in whole or in part, of any of the county records, they shall be replaced, as follows: 1) The board of commissioners shall send to the governor a certified list of such records furnished by the state, and he shall order the proper state officer

⁷⁵ Acts 1881 (Spec. Sess.) ; Burns 29-701 ; Baldwin 7081.

⁷⁶ Acts 1889 ; Burns 29-1002 ; Baldwin 7109.

⁷⁷ Acts 1905, 1927 ; Burns 29-1401 ; Baldwin 7377.

⁷⁸ Acts 1905, 1927 ; Burns 29-1402 ; Baldwin 7378.

⁷⁹ Acts 1905 ; Burns 29-1404 ; Baldwin 7380.

⁸⁰ Acts 1905 ; Burns 29-1405 ; Baldwin 7381.

⁸¹ Acts 1909 ; Burns 60-202, 60-224 ; Baldwin 13855, 13875.

⁸² Acts 1937 ; Burns, 1938 suppl., 60-238 to 60-240 ; Baldwin, 1937 suppl., 15868-1 to 15868-3.

⁸³ Acts 1877 ; Burns 26-634 ; Baldwin 5339.

to replace them. 2) Records compiled in the county shall be restored, if possible, from original documents by the proper officers, that is, the county officer who had custody of the original records. 3) If impossible to reduplicate the old records, new records shall be made, on evidence taken from parties having knowledge of the facts concerned, by either the proper officer or a commissioner appointed by the board of commissioners for that purpose.⁸⁴

In 1925 a law was passed permitting county officials, at their discretion, to turn over to the archives division of the state library for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their offices.⁸⁵ County officials have only occasionally availed themselves of this provision for permanent preservation of their old records.

The recorder and other county officers, by an act of 1927, are authorized to record deeds, mortgages, and other instruments by any approved photographic process adopted by the board of commissioners.⁸⁶ Photostatic recording has been used in the recorder's office since 1928. This method now includes deeds, mortgages, wills, and reports in decedents' estates.

In 1937, the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.⁸⁷

In 1939, the general assembly created in each county a commission of public records. The commission must determine what public records 1) are no longer of official or historical value, or 2) have current official value and should be retained in the office where they are required to be filed, or 3) have official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed, or 4) have no apparent official value but do have a historical value. Records of class 1 are destroyed three years after filing, unless the law requires that they be kept for a longer time or prohibits their destruction. Records of classes 3 and 4 are removed to the state library three years after filing, unless the officer in charge is using them frequently at that time.⁸⁸

⁸⁴ 2 Rev. Stat. 1852, Acts 1865; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

⁸⁵ Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁸⁶ Acts 1927; Burns 49-3207; Baldwin 14667.

⁸⁷ Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin 1937 suppl., 10287.

⁸⁸ Acts 1939, ch. 91 (not effective at time of writing).

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

St. Joseph County was without a courthouse for the first three years of its existence, and the construction of such a building was not considered until 1832—after the county seat had been relocated—when the commissioners, at their January term, laid tentative plans for a courthouse and ordered the county agent to advertise for bids.¹ Accordingly, an advertisement appeared in the *Northwestern Pioneer and St. Joseph's Intelligencer*:²

A CASH JOB
COURT HOUSE
OF ST. JOSEPH COUNTY

SEALED proposals will be received on the 6th day of February next following, at the home of Calvin Lilley in South Bend between the hours of 10 O'clock A. M. and 2 O'clock P. M. for building a COURT HOUSE in said County.

The time of the payments, a description of the building &c. may be seen at any time at the Clerk's Office, by any person that may wish to see them. Security will be required of the undertaker, for the faithful performance of the contract, and such security must be named in the proposals.

JOHN EGBERT, Agent

South-Bend, Ind. Jan 4, 1832

The board met at the appointed time and "after receiving the proposals which were handed in and examining the same . . . it was unanimously agreed by the board that the proposals were not such as they could except therefore and postponed the subject until tomorrow morning," at which time Peter Johnson's bid for \$3,000 was accepted.³

The design finally accepted varied somewhat in detail from the tentative specifications and did not include all of them.⁴ The courthouse was 40' square and two stories high—25' from the ground level to the ceiling of the second story. Above the four corners of the roof rose four chimneys, each of which was connected with a fireplace on either floor; and at the edge of the roof was "a cornish eighteen inches wide."⁵ The windows were placed symmetrically, one above the other and equidistant horizontally; this accentuated the square design of the building to an unusual extreme. The courthouse, as well as its successors, was located on the public square in South Bend, at Main and Washington Streets.⁶

¹ Commissioners' Record, 1:34-39.

² *Northwestern Pioneer and St. Joseph's Intelligencer*, January 11, 1832, p. 3.

³ Commissioners' Record, 1:40, 44.

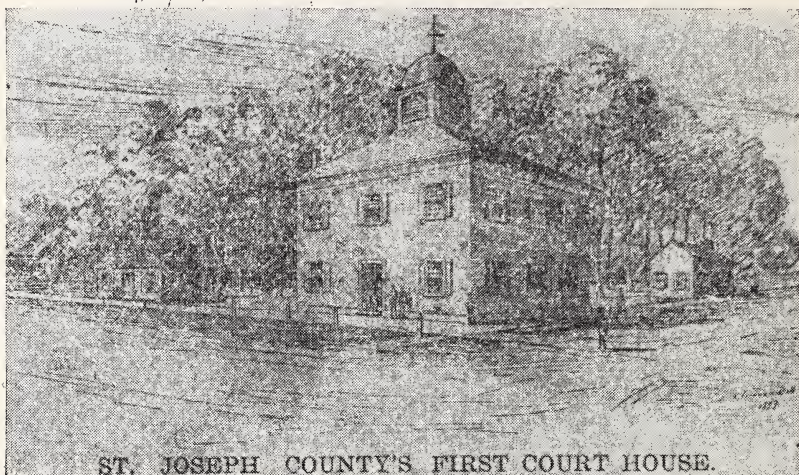
⁴ It is likely that a compromise between the first and the final specifications, particularly in regard to details in the former which were omitted in the latter, was effected by the board of commissioners in order to bring the price to a level which they thought acceptable.

⁵ Commissioners' Record, 1:40-44.

⁶ Timothy Edward Howard, *A History of St. Joseph County*, 1:213.

The contract made no mention of interior walls and partitions, and the interior was finished only in a temporary fashion: unglazed, unplastered, and with "a temporary ruff pair of stairs run from the lower story up into the second."⁷ The courthouse was to have been completed by December 1, 1832, but the contractor was allowed till April 1 of the next year to finish his work; actually, it was not completed till September 1833. Later in the year, some glazing was done, and hearths were installed in the fireplaces; but later these were ordered to be "boarded up."⁸

In its unfinished condition, with few windows sealed, the courthouse was rather well ventilated in the winter and was declared by the board of the commissioners to be an "uncomfortable place"; they decided to meet elsewhere.⁹ Nevertheless, four years passed before it was completed. The finishing included painting, plastering, glazing, parti-



tioning three rooms on the second floor, building a stairway to replace the old "ruff" one, and "raising" a cupola, which had been planned but was not included in the first contract.¹⁰ The work was completed in November 1837.¹¹

At the September 1837 term of the board a contract was let to William Keeley and Samuel C. Russ to build a clerk's and recorder's

⁷ *Ibid.*, 43.

⁸ *Ibid.*, 75, 102, 103, 114.

⁹ *Ibid.*, 110, 117.

¹⁰ *Ibid.*, 305. The cupola may not have been built according to the original specifications—according to which it was planned to be square at the base and octagonal above—for a contemporary drawing of the courthouse shows a cupola of conventional square design; however, the "wooden fish fixed near the top of said spire overlaid with gold leaf", for which the board of commissioners had contracted (*ibid.*, 37), seems actually to have existed.

¹¹ *Ibid.*, 322.

office.¹² This building is of special interest, for it represents one of the earliest attempts to provide proper housing facilities for the records of the county. A one-story brick structure, 40' by 20', it was divided in the center by two walls 4' apart, and the room thus formed between the two partitions was divided into two vaults by a partition across its width. These vaults were closed by sheet-iron doors, and it was specified that they should be equipped with "proper shelves."¹³ Both this building and the courthouse stood on the square until 1854, when they were razed to make room for the second courthouse. During the construction period, quarters were found elsewhere for the county officers; court was held in the Methodist Episcopal Church.¹⁴ When, in 1853, the old building was no longer adequate for the needs of the county, a contest was announced, offering a premium of \$25 for the best design for a new courthouse. The successful competitors were the architects, Vanosdal and Olmstead.¹⁵ Separate contracts were let for materials and construction; the building was begun in 1854 and completed in 1855, at a cost to the county of approximately \$35,000. Its design was unusual for the times and more impressive than that of other buildings of the same period. Built of limestone, it had overall dimensions of 91' 6" by 61' 6"; its height from the ground level to the gable above the second story was 48', and above the roof was a cupola-tower 50' in height, in which a clock was installed. The main entrance opened from a columned portico into a lobby, from which a central corridor extended the length of the building with offices on either side. In the lobby and flanking the entrance, stairways led to the second floor, opening into a similar lobby there. The courtroom, into which the second-floor lobby opened, occupied the full width of the building, and to its rear were three rooms, the center room being the judge's office, while the other two were the grand and the petit jury rooms.¹⁶

Though it was substantially constructed, the courthouse was poorly designed acoustically, causing trouble on at least two occasions. Unwanted noise from the lower floor rose into the courtroom; to eliminate this, a second set of joists was installed between the first and second floors, in June 1860. More serious was the situation which arose in 1872: In December of that year, Judge Thomas S. Stanfield of the St. Joseph Circuit Court requested that the board of commissioners make certain alterations, stating as his reasons for the request "that the echo in the Court Room is such that it is almost impossible to transact the business of the Court that the Court Room is too large and the Jury Rooms too small and the access to the Clerk's office from the Court Room inconvenient and circuitous"; and stating further that, if the board should fail to act, the court would be compelled to order the work

¹² Stoll calls this an "addition" to the courthouse, but there is no evidence in the Commissioners' Record to support the statement. John B. Stoll, *An Account of St. Joseph County from Its Organization*, published as volume 3 of Logan Esarey's *History of Indiana*, 1923, p. 43.

¹³ Commissioners' Record, 1:317.

¹⁴ Howard, *op. cit.*, 1:213.

¹⁵ *Ibid.*, 212. Article by Allen White in *Indianapolis Star*, May 9, 1937, part 6, p. 6.

¹⁶ *Ibid.* *St. Joseph Valley Register*, April 27, 1854, p. 2.

done in its own right. The board of commissioners postponed decision upon this request until their March term of 1873.¹⁷

The board seeming disinclined to take action at the appointed time, the court issued an order to have the work done. The following major alterations were included: Moving the partition separating the courtroom from the judge's office and jury rooms, so as to enlarge the latter; removing the south stairway, flooring the spaces left by its removal, and partitioning them from the lobbies on both floors. Thus was created a new room on each floor, the room on the first floor to be an addition to



SECOND ST. JOSEPH COUNTY COURTHOUSE, 1855-1898

the clerk's office; and a stairway was constructed from the judge's bench in the remodeled courtroom to the clerk's office.¹⁸

A copy of this order was certified to the board of commissioners who rejected it by a two-to-one vote,¹⁹ whereupon the court had the work done on its own authority, as it had threatened. A heated discussion arose, the opponents of the judge claiming that such authority had not been conferred upon the court by the laws of the state;²⁰ but

¹⁷ Commissioners' Record, 8:14, 15.

¹⁸ Order Book, 13:526.

¹⁹ Commissioners' Record, 8:39, 40.

²⁰ Howard, *op. cit.*, 1:214.

if the statutes were not clear on this point, judicial decisions were,²¹ and the alterations were made.

When plans were laid for the erection of the present courthouse, it was decided to build it on the site of the second; for this reason the latter was moved in 1897 to the west side of the public square and turned to face Lafayette Street. While it was being moved, court was held in Price's theater, while the county offices were housed in the former City Building. The moving accomplished, court and offices returned to the courthouse and remained there until, in 1898, the present courthouse was completed.²²

Plans for the first jail were laid in November 1834. The contract was let to Andrew Woods and Dennis McCormick, for \$413.80, and the jail was completed and accepted on April 28 of the following year. This was a one-story timber structure, 30' in length and 16' in width, divided into two rooms (one for criminals and the other for debtors) and was located at the southeast corner of the public square.²³ It was ruggedly built: great pains were taken to interlock the joints of the floor and wall, so that neither could be moved from the inside; nevertheless, most of the prisoners undoubtedly had had considerable experience in raising log buildings and knew equally well how to take them apart. Escapes were frequent and as a rule each escape called for repairs to the jail; so the county adopted the practice of manacling prisoners. Thereafter such allowances as that to John T. McLelland of "the sum of one dollar and eighty-nine cents for Iron furnished in making Irons for to Iron criminals committed to jail," became quite common.²⁴

A second story was built in 1835, for \$625,²⁵ by Peter Johnson, contractor for the first courthouse, and was rented "for the purpose of having the Jail and other property belonging to the said County guarded and taken care of."²⁶ "Guarding" the jail was a lucrative source of income to sundry citizens of the county, at times when allegedly desperate criminals were confined there. The average fee for guarding seems to have been a dollar a night.²⁷ Posses, who searched for escaped prisoners, descended en masse on the treasury for reimbursement, and one such cost the county nearly thirty dollars.²⁸

The construction of a new jail, a brick building, was ordered in September 1844. The contract for the jail was let for \$1850 to Lot Day in December; the building was completed exactly a year later.²⁹ It was not particularly worthy of note, except that it effected a great reduc-

²¹ In a similar case, the Supreme Court of Indiana ruled: "The power to repair the courtroom of the circuit court is akin to the power to punish for contempt. . . . It springs out of the highest law of nature, self-preservation . . . and is inherent in the court, and was so when the circuit courts were first called into existence by the legislature." Board of Commissioners v. Gwin, 136 Ind. 562.

²² White, *loc. cit.* The building, remodeled inside, now houses the Northern Indiana Historical Society and a chapter of the G. A. R.

²³ Commissioners' Record, 1:24-26, 55.

²⁴ *Ibid.*, 115.

²⁵ *Ibid.*, 151, 152, 160, 176.

²⁶ *Ibid.*, 178.

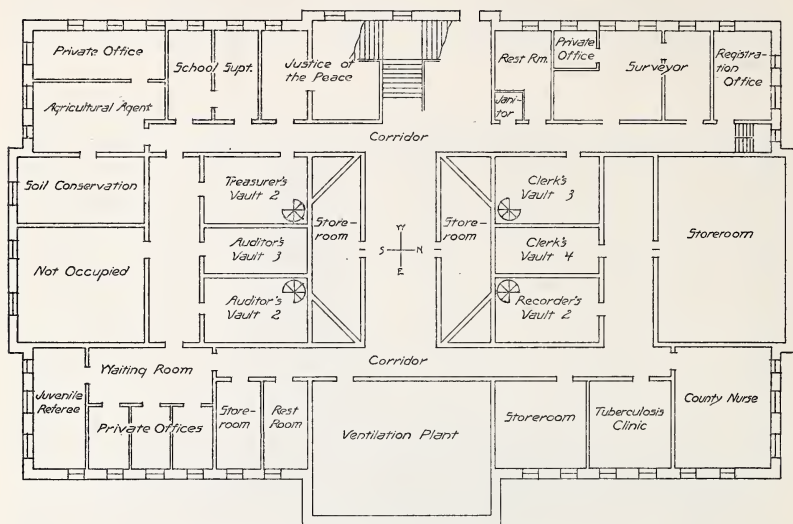
²⁷ *Ibid.*, 323.

²⁸ *Ibid.*, 342, 343.

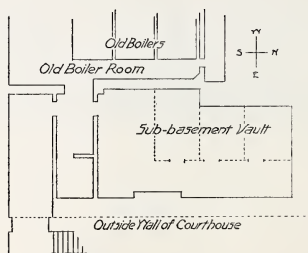
²⁹ Howard, *op. cit.*, 1:211. Stoll, *op. cit.*, 43.

tion in escapes. The third jail was built in 1860, costing fully as much as the courthouse which had been completed six years before. Like its predecessor, it was built of brick, and its medieval architectural design was much admired.

The present jail probably owes its existence to a civic club, who, in 1895, asked the board of commissioners to order the construction of a



BASEMENT, ST. JOSEPH COUNTY COURTHOUSE



SUB-BASEMENT, ST. JOSEPH COUNTY COURTHOUSE

new building, "assigning as their reason for making such request that the present Jail is inadequate and a detriment instead of a benefit to the community."³⁰ A competition of architects was arranged, and the construction was superintended jointly by the successful architects and a citizens' committee.³¹ The jail was built in 1896-97.

³⁰ Commissioners' Record, 14:447; 15:141-44.

³¹ *Ibid.*, 15:197.

The cornerstone of the present courthouse was laid on April 15, 1897, and the building was completed November 4, 1898. The contractors were James Stewart & Company, acting under the guidance of a citizens' committee. The building alone cost \$184,246.27 and with furnishings, nearly \$250,000.³² It is a limestone building, 175' in length, 115' in width, and two stories in height, the basement being about half above ground level. From the center of the building a dome rises, beneath which a lightwell extends to the first floor. The four principal officials—clerk, recorder, treasurer, and auditor—have offices on the first floor; each has at least one vault on this floor, and at least one in the basement. The vaults in the basement, with the exception of clerk's vault 3 and auditor's vault 4, are connected with those on the first floor by spiral stairways. The remainder of the basement contains chiefly offices. The courts and related offices are on the second floor. Records are also kept in a vault in the sub-basement, which is not beneath the courthouse proper but lies underground to the west of it.

In some offices, flooring is of wood; in others, of tile. In the first-floor vaults, flooring is of tile and walls and ceilings of concrete, while the basement vaults are of concrete throughout. Lighting and accommodations for users of the records are uniformly good. (Occasional exceptions to these generalities will be noted in the remarks on the sub-basement vault.)

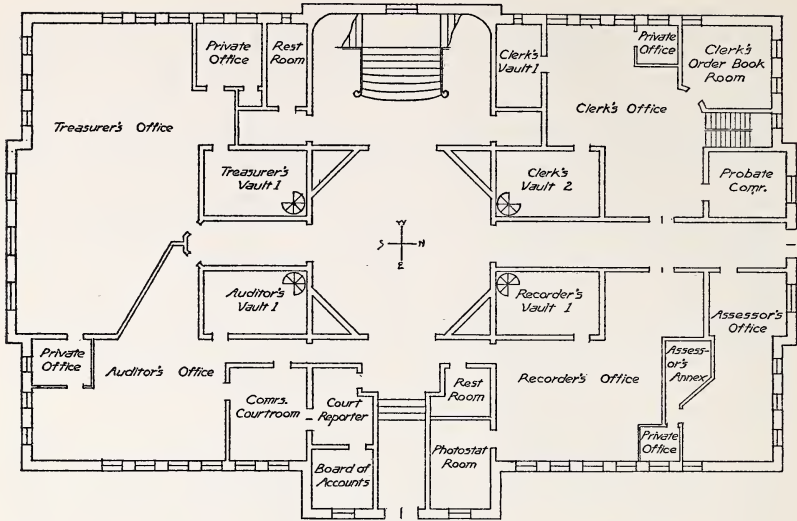
The records of the county are housed in a total of 41 rooms, 32 of which are in the courthouse. These rooms are treated individually in the following paragraphs.

Board of Commissioners. Eighty-seven percent of the records are in auditor's vault 1, 4% in auditor's vault 2, and 9% in the sub-basement vault. One volume is in auditor's vault 3.

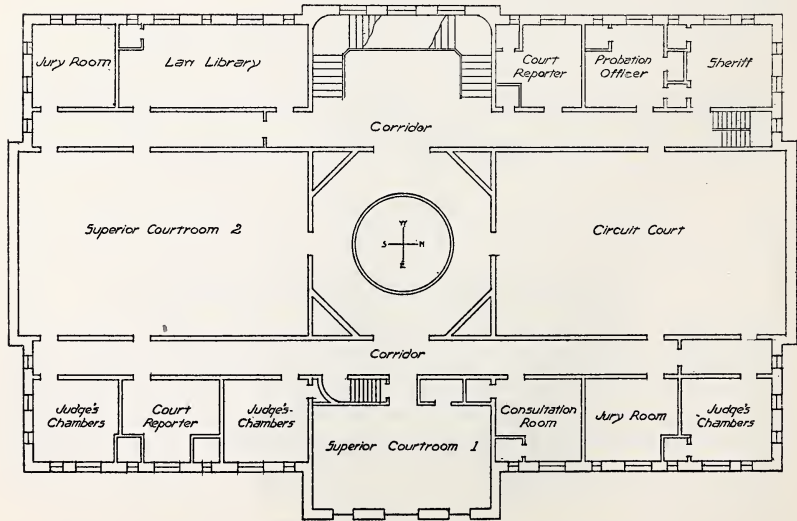
County Council. All the records are in auditor's vault 1.

Clerk of the Circuit Court. The clerk's records are kept in 6 rooms, of which 4 are on the first floor, while the other 2, both vaults, are in the basement. The main office, where public business is transacted, is 31' by 29'. On 457' of shelving, along the north and east walls and under a counter, are 264' of volumes and 27' of unbound records in file boxes. A stairway from this room leads to a corridor on the second floor, giving access to the courtrooms there. Five percent of the records are kept in the office, together with portions of the records of the circuit and superior courts. The order book room, 16' by 10', lies at the north-west corner of the first floor, immediately north of the office, and is entered through the latter. On steel shelving are 23' of volumes and 25' of unbound records in file boxes. Fifty feet of shelving and 10' of file boxes are available for expansion of the records. Seventeen percent of the clerk's records and portions of those of the circuit and superior courts, the board of primary commissioners, and the board of election commissioners, are kept here.

³² Stoll, *op. cit.*, 44.



FIRST FLOOR, ST. JOSEPH COUNTY COURTHOUSE



SECOND FLOOR, ST. JOSEPH COUNTY COURTHOUSE

Vault 1, with dimensions of 21' by 10', lies south of the office. On 690' of shelving are 330' of volumes and 353' of unbound records in file boxes; the remainder of the shelving is occupied by nonrecord material, and space for additional shelving is not obtainable. Twenty percent of the clerk's records and portions of the records of the circuit and superior courts, the coroner, and the board of canvassers, are kept in this room. Vault 2 lies to the east of the office and measures 20' by 12'. All of the shelving is occupied by 623' of volumes and 430' of unbound records in file boxes—4% of the clerk's records, with portions of those of the circuit and superior courts. No space is available here for more shelving.

Vault 3, in the basement, lies directly beneath vault 2 and is identical with it in size. The 668' of wooden and steel shelving, with which it is equipped, house 168' of volumes and 390' of unbound records. Much of the remainder of the shelving is occupied by nonrecord material, so that only a few feet are available for expansion of the records. These comprise 46% of the clerk's, and portions of the records of the circuit and superior courts, the coroner, the registration officer, and the three election boards. Vault 4 lies east of vault 3 and measures 20' by 10'. Eighty feet of volumes and 576' of unbound records in bundles and card-board file boxes are housed here. The shelving is of wood, and about 100' are as yet unoccupied. Records in this room comprise 8% of the clerk's and portions of those of the circuit and superior courts, the coroner, and the registration officer.

Recorder. Lying on the east side of the first floor, across the corridor from the clerk's office, are the recorder's three rooms: His office, his vault 1, and the photostat room. No records are housed in the last named. The office is 42' by 29' and is equipped with 340' of steel shelving, housing 280' of volumes and 60' of unbound records in file boxes. Additional shelving is not needed, as noncurrent records can be transferred to the vaults when shelving in the office becomes congested. Vault 1 adjoins the office to the north, is 20' by 12', and contains 887' of volumes. Shelving is of steel and approximately 70' are unoccupied.

Vault 2 is located in the basement beneath vault 1 and is identical with the latter in size. Equipment consists of 517' of shelving, constructed of wood and steel, on which are 440' of volumes and 49' of unbound records in wooden cases with pigeonholes. The remainder of the shelving affords room for expansion. Thirty-three percent of the recorder's records are in his office; 17%, in vault 1; and 50%, in vault 2.

Circuit Court. The circuit courtroom, in the north central section of the second floor, is 60' by 40'. Three feet of volumes are kept on 6' of steel shelving, and 26' of unbound records, in steel file boxes. With the present equipment, space is available for an additional 3' of volumes and 4' of unbound records. The probate commissioner's office on the first floor lies east of the clerk's and is 16' by 14'. Here are kept 9' of volumes and 60' of unbound records. The shelving and file boxes, both of steel, will permit an additional 1' of volumes and 8' of unbound records.

Another office in the basement is occupied by the juvenile referee. This room, 26' by 16', houses 14' of volumes and 32' of unbound records, 8' of the latter being in file boxes and 24' in file cabinets. The equipment here will likewise permit expansion of the records. The circuit court records are distributed as follows: Circuit courtroom, 2%; probate commissioner's office, 2%; juvenile referee's office, 1%; clerk's office, 4%; clerk's order book room, 1%; clerk's vault 1, 12%; clerk's vault 2, 37%; clerk's vault 3, 10%; clerk's vault 4, 31%; and sheriff's and auditor's offices, less than 1%—1 and 4 file boxes respectively.

Superior Court No. 1. The courtroom, located on the east side of the second floor, measures 42' by 22' by 16'. Current records of the court—2' of volumes and 20' of unbound records in steel file boxes—are kept here. The steel shelving will accommodate an additional 7' of volumes and 10' of unbound records. At present, 7% of the records are in the room, the remainder being located as follows: Clerk's office and order book room, 1% each; clerk's vault 1, 32%; clerk's vault 2, 6%; clerk's vault 3, 7%; clerk's vault 4, 46%; and probate commissioner's office, less than 1% (2 volumes).

Superior Court No. 2. The courtroom occupies relatively the same location in the south center section of the second floor as the circuit courtroom in the north center section, and the two are identical in size and construction. Along the east wall of this room are 3' of steel shelving and 45' of steel file boxes; on these are 2' of volumes and 26' of unbound records, comprising altogether 10% of the records of the superior court room 1. Of the remainder, 2% are in the clerk's office; 1%, in the clerk's order book room; 38%, in clerk's vault 1; 4% in clerk's vault 2; 21%, in clerk's vault 3; and 24%, in clerk's vault 4. Two volumes are in the probate commissioner's office.

Sheriff. The sheriff's office lies in the northwest corner of the second floor, across a corridor from the circuit courtroom. Measuring 29' by 18', it is equipped with 34' of shelving, housing 28' of volumes and 3' of unbound records. There is space for additional shelving if future records require it. The office of the county jail is 16' by 14' and is equipped with 12' of wooden shelving and 20 file drawers. Three feet of volumes and 18' of unbound records are kept here. Fifty-eight percent of the records are in the sheriff's office in the courthouse, 10%, in the jail office, and 32%, in the sub-basement vault. The courthouse office also contains records of the circuit court, the registration officer, and the board of election commissioners.

Coroner. The coroner's office is at present located in the professional office of the incumbent, in room 634, Associate Building, South Bend. Records housed here consist of 5' of unbound records in file drawers. Three percent of the coroner's records are in his office; 37%, in clerk's vault 1; 7%, in clerk's vault 3; and 53%, in clerk's vault 4.

Prosecuting Attorney. The prosecutor's office is likewise located in the professional office of the incumbent, room 818, I. O. O. F. Building, South Bend. All the records are kept here.

Assessor. The assessor's office and annex adjoin the recorder's office. The former measures 28' by 18'; on its 226' of shelving are 160' of volumes and 30' of unbound records in file boxes, in all, 93% of the assessor's records. The annex lies south of the office, is 25' by 10', and contains 50' of shelving. All of the 25' of volumes found in this room belong to the auditor, being kept here for use in computing and recording assessments. The remaining 7% of the assessor's records are in auditor's vault 1.

Board of Review. All the records are in auditor's vault 1.

Board of Tax Adjustment. All the records are in auditor's vault 1.

Board of Finance. Seventy-five percent of the records are in auditor's vault 1, and 25%, in the sub-basement vault.

School Fund Board. Ninety-three percent of the records are in auditor's vault 1, and 7%, in the sub-basement vault.

Treasurer. Four rooms are assigned to the treasurer and his records: The office, the private office, vault 1 adjoining, and vault 2 in the basement. Of these, the private office houses no records. Sixteen feet of volumes—only those records in continuous use—are kept in the office, whose dimensions are 70' by 34'. The volumes lie on desks and counters, no shelving being provided for them. In vault 1, which is 25' by 13', are 146' of volumes on steel shelving and 107' of unbound records in wooden cases with pigeonholes. Additional shelving will be required if more records are to be housed in this room.

Vault 2, in the basement, lies directly beneath vault 1 and is similar in size. Housing 78' of volumes and 177' of unbound records, it affords adequate space for future records: as yet some 280' of its wooden shelving are unoccupied.

One percent of the records is in the office; 5%, in vault 1; 54%, in vault 2; and 40%, in the sub-basement vault. Three volumes are in auditor's vault 1.

Auditor. The auditor's office, at the southeast corner of the first floor, is 45' by 41' at its greatest length and width. Only 6 volumes and 4 file boxes of unbound records are housed here, current records, for the most part, being kept in vault 1 which adjoins the office to the east. In the latter room, which, like its companion room, the treasurer's vault, is 26' by 13', are 279' of volumes and 334' of unbound records in file boxes. The shelving is of steel, and some 600' are vacant.

Vault 2, beneath vault 1, is likewise 26' by 13'. On wooden shelving are 75' of volumes and 60' of unbound records in cardboard file boxes. These occupy only about one-fourth of the available shelving, the balance being unoccupied, save for a few feet of nonrecord material. Another room—vault 3—lies directly west of vault 2. Narrower by 2' than the latter, it contains 220' of volumes and 175' of unbound records in cardboard file boxes. Of the wooden shelving, approximately 100' are free for expansion of the records.

The 6 volumes, housed in the auditor's office, (the unbound records there belong to the circuit court) comprise less than 1% of his records. Twenty-seven per cent are in vault 1, as well as records of the board of commissioners; the county council; the assessor; the boards of review, tax adjustment, and finance; the school fund board; the treasurer; and the department of public welfare. Seven percent are in vault 2, with a portion of the records of the boards of commissioners. Thirty-three percent are in vault 3, with 1 volume belonging to the board of commissioners. Twenty-seven percent are in the sub-basement vault; one percent is in the assessor's office, and the remaining 5% are in his annex.

Registration Officer. The office of the registration officer is located in the northwest corner of the basement. Measuring 20' by 14', it is equipped with file cabinets completely occupied by 620' of unbound records. New equipment will be necessary for expansion of the records, unless those already in the room are transferred elsewhere. Thirty-three percent of the records are housed here, 10% in clerk's vault 3, 49% in clerk's vault 4, and 8% in the sheriff's office.

Board of Primary Election Commissioners. Seventy-five percent of the records are in the clerk's order book room, and 25% are in the clerk's vault 3.

Board of Canvassers. Thirty-one percent of the records are in clerk's vault 1 and 69% in clerk's vault 3.

Board of Election Commissioners. Twenty-five percent of the records are in the clerk's order book room, 25% in clerk's vault 3, and 50% in the sheriff's office.

Board of Education. All of the records are in the office of the superintendent of schools.

Superintendent of Schools. Two rooms—a main and a private office—on the west side of the basement are occupied by the superintendent of schools. The former measures 25' by 18'; the latter, 25' by 15'. The main office is equipped with wooden cabinets, housing 30' of unbound records, while in the private office, 25' of shelving carry 10' each of bound and unbound records. Twenty-six per cent of the records are in the main office, 6% in the private office, and 68% in the sub-basement vault. The records of the board of education are also kept in the main office.

Health Officer. The majority of the health officer's records is kept in the incumbent's office, room 512, I. O. O. F. Building, South Bend. The room is partitioned so as to form a reception room and a private office; six feet of volumes are housed in the former and 12' of volumes and 10' of unbound records, in the latter. Together these comprise 91% of the records.

The other 9% are in the county nurse's office in the basement of the courthouse, a room 30' by 25'. A wooden file cabinet contains 14' of unbound records. Additional equipment will be needed for expansion.

Department of Public Welfare. The department of public welfare, heretofore, has had quarters in the Dean Building, South Bend. The

building suffered recently from a fire, and the welfare office has been removed to temporary quarters, pending the completion of repairs to the building, after which it will again occupy its old quarters. For this reason, no description of the office can be obtained at the time of publication.

Surveyor. An office 25' by 20', located in the basement, is occupied by the surveyor. On 42' of wooden and steel shelving, extending the north wall of the room, are 15' of volumes and 21' of unbound records—chiefly maps. The remainder of the shelving is taken up by miscellaneous nonrecord material, so that additional shelving will be needed for expansion of the records. Of the surveyor's records, 3% are in his office and the remainder in the sub-basement vault.

Highway Supervisor. The office and storage room of the highway supervisor are located in the County Highway Building. In the office are 2' of volumes and 3' of unbound records in file drawers; no shelving has been installed for the volumes, but, considering the small quantity, none is really needed. In the storage room are 4' of volumes stacked on the floor. Fifty-nine per cent of the records are in the office; 39%, in the storage room; and 2%, in the sub-basement vault in the courthouse.

Inspector of Weights and Measures. The office of the inspector of weights and measures is located in the southwest corner of the basement of the South Bend city hall. The room is 21' by 11'; 12' of wooden shelving are occupied by volumes, and 5 file drawers, by unbound records, 3 file drawers being unoccupied. All the records are kept here.

Agricultural Agent. In the southwest corner of the courthouse basement is the agricultural agent's office, 25' by 10' in size. Three feet of unbound records, as well as 4' of nonrecord material, are housed in a file cabinet. The present equipment is adequate for the housing of the records, all of which are kept here.

General Storage. A room 48' by 25', located in the sub-basement, is used for the storage of old records of several offices. Well lighted, it has a concrete floor, stone walls, and a brick ceiling; a portion of the room, along the west wall, is taken up by 3 wire cages, the southernmost housing the treasurer's; the center, the surveyor's; and the northernmost, the auditor's records, and those of related offices. The remainder of the room is used for the storage of miscellaneous records of several offices. All of the 580' of shelving is of wood; the portion housing the surveyor's records has deep pigeonholes for maps and plans. The shelving is divided into 11 sections, labeled from A to K: Sections A to C and I to K are in the room proper; sections D and E are in the treasurer's cage; and sections F to H are in the auditor's cage. Here are kept 325' of volumes and 86' of unbound records, leaving about 169' of shelving unoccupied. The following percentages of records from the several offices are housed here: Board of commissioners, 9%; sheriff, 32%; board of finance, 25%; school fund board, 7%; treasurer, 40%; auditor, 27%; superintendent of schools, 68%; surveyor, 97%; and highway supervisor, 2%.

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5. LIST OF ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

Acts	[Session] Laws of the State of Indiana (commonly referred to by binder's title, Acts)
agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate court reports of the State of Indiana
approx.	approximate(ly)

arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)
Baldwin	Baldwin, William Edward, editor. <i>Baldwin's Indiana Statutes Annotated 1934.</i>
bdl.	bundle
bk.	book
Bldg.	Building
bsmt.	basement
Burns	Burns, Harrison, editor. <i>Annotated Indiana Statutes.</i>
c	copyright (before date)
C. C.	County Courthouse
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
comr.	commissioner(s')
Const.	Constitution of Indiana (refers to present constitution unless date follows)
cor.	coroner
ct. rept.	court reporter
diam.	diameter
et	and
et al.	<i>et alibi</i> —and others
et seq.	and following
ex rel.	<i>ex relations</i> —upon relation of. (Designates the person at whose instance the state or a public officer is acting)
ff.	following
hdw.	handwritten
high. sup.	highway supervisor('s)
H. J.	House Journal (Indiana House of Representatives)
hlth. offr.	health officer('s)
ibid.	<i>ibidem</i> (same reference as that immediately foregoing)
Ind.	Indiana: Indiana Reports (when preceded by the volume number, reference is to the official state supreme court reports)
juv.	juvenile
Laws Ind. Terr.	<i>Laws of Indiana Territory, The: 1801-1809, 1809-1816.</i> (See Bibliography, under Philbrick, Francis S. and Ewbank, Louis B.)
Laws N. W. Terr.	<i>Laws of the Northwest Territory, The: 1788-1800.</i> (See Bibliography, under Pease, Theodore C.)
lb.	pound
loc. cit.	<i>loco citato</i> —in the place cited. (After the name of book or article, refers to previous page(s) cited in the same work)

mi.	mile
n.	note
N. E.	North Eastern Reporter (judicial decisions). 2d— Second series.
no., nos.	number(s)
off.	office
offr.	officer
<i>op. cit.</i>	<i>opere citato</i> —in the work cited. (After author's name, refers to previous work cited under his name)
p., pp.	page(s)
<i>passim</i>	here and there (referring to references too nu- merous to enumerate)
pro tem	pro tempore
prob. comr.	probate commissioner
pros. atty.	prosecuting attorney('s)
pt.	part
pub. welf.	public welfare
pvt.	private
rec.	record
recr.	recorder('s)
reg.	register
Rev. Laws	Revised Laws of Indiana
Rev. Stat.	Revised Statutes of Indiana
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
<i>sic</i>	thus (indicating expression, misspelling, etc. are the same as in the original)
S. J.	Senate Journal (Indiana Senate)
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
suppl.	supplement
supr. ct.	superior court
supt.	superintendent('s)
surv.	surveyor('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
v.	versus
vol., vols.	volume(s)
vt.	vault
'	foot, feet
"	inch(es) (omitted after dimensions in entries)
x	by

Other abbreviations in common use are occasionally used. The names of causes in court reports and the citations to legal works follow legal usage.

EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

Entries are grouped under a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

I. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact title (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by The Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive. Unusual abbreviations are spelled out in capitals and enclosed in brackets.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only.

Absence of records—either because they were not kept or have been lost or destroyed—are indicated by a break in the dates.

Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"—with day, month, and year.

Quantity, given in chronological order wherever possible.

Labeling, if a series or a part of a series. Where the entry consists of one unit, labeled 1, the labeling is omitted; if otherwise labeled, the labeling is given. If the labeling is inconsistent or confusing, the notation "numbering varies" follows the quantity.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a resume of the column headings or subject treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of map and plat records, the scale and the names of author and publisher are given

whenever available. No mention thereof denotes that these data are not known.

Method of *arrangement*: Chronological, topical, or other system. No mention of arrangement denotes that there is no systematic arrangement.

Method of *indexing*, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto. No mention of indexing denotes that the records are not indexed.

Nature of *recording*: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office.

III. Cross-referencing occurs in three places:

Under a heading or subhead, when all the entries in the group are related to an entry or a group of entries.

In the title paragraph it is used to show a complete series where another method of keeping the record was used in the past or is used at present; also, to show other records with which the record is combined.

In the description paragraph, to and from the master entry, to show the contents of volumes or files containing unrelated records. Whenever an entry contains more than one type of record, all the data are given in a master entry under the actual title or under a complete title, if supplied, with reference to subordinate entries for each part. The subordinate entry consists of supplied title, dates, and description only.

In the third paragraph, to prior and subsequent records or allied subjects; to subjects on which supplementary information may be found in other entries; and to records which have related functions.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

The board of commissioners, often referred to as the "county board," is a statutory body consisting of three members, elected for terms of three years.¹ The county is divided into three districts, from each of which one member is elected by the voters of the entire county.² Terms are so arranged that no two members take office in the same year.³

St. Joseph County has had a board for doing county business from its organization in 1830. At that time, in accordance with an act of 1824, all of the justices of the peace in the county composed the board,⁴ which first met to transact county business on August 27, 1830,⁵ under the authority of the act of 1818, governing the organization of new counties.⁶ In the following year, 1831, the general assembly abolished the board of justices as the county board, vested all its powers in the board of commissioners, consisting of three elective members,⁷ and provided that the county should be divided by the board doing county business into three districts, and that one commissioner, elected by the voters of the entire county, should be chosen from each district. The board of justices, however, did not create these districts; therefore, although the first board of commissioners was elected on the first Monday in August 1831, there was some doubt about the legality of the election, and in 1832 the general assembly legalized its proceedings.⁸ At the first meeting of the board of commissioners, held on September 5, 1831, a county seal was adopted.⁹

From the beginning, the board of commissioners, in form and function, was much the same as it is at present. It is the administrative agency of the county and exercises all powers for the transaction of county business conferred by law,¹⁰ except the fiscal powers, which, since 1899, have been vested exclusively in the county council, a new county agency created that year.¹¹

The board is a body corporate and politic, by the name and style

¹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215. The title of the act in the Revised Statutes of 1852 reads "An act providing for the organization of county boards." Acts 1885; Burns 26-604; Baldwin 5218.

² 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

³ Acts 1885; Burns 26-604; Baldwin 5218.

⁴ Rev. Laws 1824, ch. 15, secs. 1, 11.

⁵ Commissioners' Record, 1:1.

⁶ Acts 1817-18 (special), ch. 3, sec. 1.

⁷ Rev. Laws 1831, ch. 20, sec. 1, 12.

⁸ Timothy E. Howard, *History of St. Joseph County*, 1:169, 170. Acts 1931-32, ch. 112, p. 105.

⁹ Commissioners' Record, 1:9, 10.

¹⁰ Acts 1816-17, ch. 15, sec. 1. Rev. Laws 1824, ch. 15, secs. 1-12, 16, 17. 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236.

¹¹ Acts 1899; Burns 26-501, 26-515; Baldwin 5365, 5379. Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

of "The Board of Commissioners of the County of St. Joseph," and as such and in such name, may sue and be sued, possessing all the powers, rights, and duties incident to corporations.¹² It meets in regular sessions, beginning on the first Monday of each month and continuing only so long as the necessary business absolutely requires,¹³ and in special sessions, called for specifically stated business, by the auditor, its clerk ex officio,¹⁴ or, in case of death or disqualification, by the clerk of the circuit court or recorder respectively.¹⁵ Any two members constitute a quorum to do business,¹⁶ and all meetings of the board must be public.¹⁷ The sheriff, by himself or by deputy, attends the meetings of the board and executes its orders.¹⁸

The principal functions of the board of commissioners are: Control of county property; allowance of claims against the county; granting^o of licenses, permits, or franchises with respect to the use of county property; the exercise of the right of eminent domain, and the discharge of such other duties as may be enjoined by law.¹⁹

The board also has the power to let contracts for county buildings after it has adopted plans and specifications and deposited them in the office of the county auditor for public inspection for thirty days;²⁰ to purchase materials and supplies;²¹ to supervise and maintain roads, bridges and culverts;²² to abolish or change township boundary lines;²³ to establish and maintain libraries²⁴ and hospitals;²⁵ to offer rewards and bounties;²⁶ and to authorize and direct the subscription to and preservation of the public newspapers printed in the county.²⁷

The board of commissioners prepares a separate and itemized estimate of all expenditures to be made by the board during the year.²⁸ The board is required by law, at its monthly meeting, to audit the accounts of all officers handling county money, including specifically the

¹² 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

¹³ Acts 1899; Burns 26-550; Baldwin 5221.

¹⁴ 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418. Acts 1899; Burns 26-610; Baldwin 5223.

¹⁵ Acts 1863; Burns 26-607; Baldwin 5222.

¹⁶ 1 Rev. Stat. 1852; Acts 1929; Burns 26-601; Baldwin 5215.

¹⁷ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

¹⁸ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹⁹ 1 Rev. Stat. 1852; Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1938 suppl., 36-711; Baldwin 1935 suppl., 8861-1. Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

²⁰ Acts 1907; Burns 26-2001, 26-2004; Baldwin 5100, 5103.

²¹ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

²² Acts 1919; Burns 36-301; Baldwin 8859.

²³ Acts 1859; Burns 26-701; Baldwin 16055. Acts 1919; Burns 26-705; Baldwin 16059.

²⁴ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

²⁵ Acts 1903; Burns 22-3201; Baldwin 4507.

²⁶ 1 Rev. Stat. 1852, Acts 1875, 1883, 1899, 1911; Burns 26-1101 to 26-1106; Baldwin 3802, 5288 to 5290, 5293, 5294.

²⁷ 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

²⁸ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

treasurer and the auditor. In practice, the board no longer makes audits, since these are made by the state board of accounts.²⁹

Besides its administrative functions, the board sits as a court in the trial of causes concerning county business, and although it adopts its own regulations for the transaction of business, it must, when sitting as a court, so far as practicable, comply with the rules for conducting business in the circuit court.³⁰ The board appoints a bailiff for the commissioners' court.³¹ Appeals from the court's decisions are taken to the circuit or superior court.³² Whenever the board sits as a court in a cause in which two or more commissioners are disqualified, the judge of the circuit court appoints special commissioners in their place to act at the trial.³³

The board of commissioners always has had the authority to open new roads and amend and keep in repair all county roads.³⁴ Every male person between the ages of 21 and 50 was subject to work on the roads a certain number of days annually;³⁵ later, the compulsory road work could be commuted to a money payment or be performed by a substitute.³⁶ This road tax was abolished in 1919.³⁷ By the act of 1919, the board of commissioners is empowered to locate, establish, widen, construct, change, maintain, and improve all county highways, culverts, and bridges under the supervision of the state highway commission or Federal highway commission, as provided by law.³⁸

The commissioners, by virtue of their office, were constituted a board of turnpike directors by an act of 1879, for the management and control of all free turnpikes in the county. Each director had personal supervision of his district. The board had the power to appoint suitable persons to supervise the work of repairs, to contract for labor and materials, and to enter upon lands to take gravel, giving certificates in payment. The board appointed its clerk,³⁹ until an act of 1905 made the auditor ex officio the clerk.⁴⁰ This board was abolished in 1913, and the highways were placed in charge of a superintendent of highways, appointed by the board of commissioners.⁴¹ This office was likewise abolished twenty years later. The supervision of highways became a duty

²⁹ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256. Acts 1897; Burns 26-636; Baldwin 5237. Acts 1909, 1915; Burns 60-201 to 60-204, 60-211, 60-219, 60-225, 60-226; Baldwin 13854 to 13857, 13862, 13870, 13877. Acts 1937; Burns, 1938 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

³⁰ 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

³¹ Acts 1907; Burns 26-613; Baldwin 5234.

³² 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

³³ Acts 1913; Burns 26-614; Baldwin 5229.

³⁴ Acts 1816-17, ch. 8, sec. 10. Acts 1919; Burns 36-301; Baldwin 8859.

³⁵ Rev. Laws 1824, ch. 87, sec. 11. Rev. Laws 1831, ch. 82, sec. 35.

³⁶ 1 Rev. Stat. 1852, ch. 102, secs. 10, 12.

³⁷ Acts 1919, ch. 107, sec. 3.

³⁸ Acts 1919; Burns 36-301; Baldwin 8859.

³⁹ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

⁴⁰ Acts 1905, ch. 167, sec. 85.

⁴¹ Acts 1913, ch. 330, sec. 1.

of the surveyor,⁴² unless the commissioners appoint a highway supervisor.⁴³

The board of commissioners designates one of its number as a member of the county planning commission⁴⁴ and selects, with the approval of the state board of health, the county health officer.⁴⁵

The auditor, as clerk of the board of commissioners, attends its meetings, keeps a record of its proceedings, and preserves all the books, papers and maps belonging to or touching the business of the county in his office.⁴⁶

All the records are located in the courthouse.

PROCEEDINGS AND REPORTS

1. COUNTY COMMISSIONERS' RECORD, 1830—. 28 vols. (1-28).

Record of meetings and proceedings of board of commissioners concerning all county business, showing date and place of meeting, names of members present, subjects of business discussed, and action taken. For index, 1830-Sept. 1895, see entry 2; Nov. 1895—, indexed alph. by subjects of business discussed. 1830-Nov. 1899, hdw.; Dec. 1899—, typed. 550 pp. 18 x 12 x 3. Aud. vt. 1, sec. A.

2. INDEX TO COMMISSIONERS' RECORD, 1830-Sept. 1895. 14 vols. (1-14).

Partial index to County Commissioners' Record, entry 1, showing subject of business discussed and volume and page reference to recording. Arr. alph. by subject of business discussed. Hdw. 75 pp. 18 x 13 x 1. Aud. vt. 1, sec. A.

3. COMMISSIONERS' COURT [PAPERS], 1840-72, 1917—. 531 file boxes (numbering varies).

Various papers acted upon by board of commissioners including claims, petitions, requisitions, reports, remonstrances, allowances, bids, contracts, resolutions, proofs of publication, notices, assessments, and official bonds, showing dates of instrument and filing, nature of instrument, names of principals, and decision of board. Arr. by dates of filing. 1840-72, hdw.; 1917—, hdw. and typed. 10 x 5 x 15. Aud. vt. 1, secs. A, C, D.

4. COMMISSIONERS' DOCKET, 1865-1928. 52 vols.

Record of causes filed for action in commissioners' court, showing date, number, and nature of cause; names of plaintiff, petitioners, and remonstrator or claimant; and action taken. Arr. by cause nos. Hdw. 250 pp. 18 x 12 x 1½. 48 vols., 1865-1919, sub-bsmt. vt., sec. G; 4 vols., 1920-28, aud. vt. 1, sec. A.

5. INSURANCE POLICIES EXPIRING, 1901—. 3 file boxes, 1 file cabinet. Title varies: Old Insurance Policies.

Original insurance policies covering county buildings, showing dates of issue and expiration, amounts of policy and premium, type of insurance,

⁴² Acts 1933; Burns 36-1101; Baldwin 8699.

⁴³ Acts 1933; Burns 36-1110; Baldwin 8708.

⁴⁴ Acts 1935; Burns, 1938 suppl., 262301; Baldwin, 1935 suppl., 5205-1.

⁴⁵ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁴⁶ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

and names of building insured and insurance company. Arr. by dates of issues. Typed. File boxes, 10 x 5 x 15; file cabinet, 20 x 12 x 15. Aud. vt. 1, sec. D.

6. HEALTHWIN HOSPITAL REPORTS, 1930-34. 1 file box.

Monthly reports from superintendent of Healthwin Hospital to board of commissioners, showing date of report, number of patients admitted and discharged, days of special treatment, number of deaths, and itemized statement of receipts and disbursements. Arr. by dates of reports. Typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

For prior and subsequent records, see entry 3.

7. RETAILERS' BOND RECORD, 1859-1918. 19 vols. (9 vols. not numbered, 1-10). Discontinued in 1918. Kept by state excise director, 1933-34, and by alcoholic beverage commission of Indiana, 1935—.

Register of bonds posted by retailers of alcoholic beverages, showing date, amount, and conditions of bond; names of retailer and sureties; location and description of business; and license number. Indexed alph. by names of retailers. Hdw. 200 pp. 16 x 10 x 1. Sub-bsmt. vt., sec. B.

BOND ISSUES

8. REGISTER OF BONDS, 1896—. 2 vols. (1, 2A).

Record of all bonds (except road bonds) issued to defray county expenditures, showing dates of bond, maturity, and redemption; amount and purpose of bond; rate of interest; and name of purchaser. Arr. by dates of bonds. Hdw. 250 pp. 13 x 18 x 2½. Aud. vt. 1, sec. A.

9. REGISTER OF BONDS [ROADS], 1912—. 3 vols. (1-3).

Register of bond issues to defray cost of construction and improvements of county roads, showing dates of bond, maturity, and redemption; numbers and amounts of bond and coupon; rate of interest; names of road and purchaser; and volume and page reference to County Commissioners' Record, entry 1; and County Council Record, entry 33. Arr. by dates of bonds. Hdw. 350 pp. 18 x 12 x 2. Aud. vt. 1, sec. A.

10. CANCELLED BONDS AND COUPONS, 1921—. 35 cartons (1-31, and 4 cartons not numbered).

Redeemed bonds and interest coupons, showing dates of bond, maturity, and redemption; numbers and amounts of bond and coupon; and rate of interest. Arr. by dates of redemptions. Hdw. 5 x 12 x 32. 30 cartons, 1921-35, aud. bsmt. vt. 2, sec. B; 5 cartons, 1936—, aud. vt. 1, sec. C.

11. COUNTY BONDS [COURTHOUSE], 1896. 1 file box.

Original bonds issued to finance construction of present courthouse, showing dates of issue, maturity, and redemption; name of purchaser; numbers and amounts of bond and coupon; and rate of interest. Arr. by dates of redemptions. Printed. 10 x 5 x 15. Aud. vt. 1, sec. A.

REQUISITIONS AND BIDS

12. COUNTY OFFICERS' REQUISITIONS, 1901—. 3 file boxes.

Requisitions from county officers for supplies and equipment, showing names of officer and office, dates of requisition and filing, itemized list

of supplies and equipment requested, and estimated cost. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1, secs. C, D.

13. **BIDDERS' RECORD, 1936—.** 1 vol.

Record of bids submitted to board of commissioners by various concerns for furnishing material and supplies and constructing and improving buildings for county projects and institutions, showing dates of notice and opening of bid; names and addresses of newspaper and bidder; amount, purpose, and conditions of bid; description of construction or improvement; quantity of supplies or materials; and action of board of commissioners. Arr. by dates of opening of bids. Hdw. 400 pp. 14 x 14 x 2. Aud. vt. 1, sec. D.

14. **BIDS FOR RELIEF BONDS, 1932.** 1 file box.

Bids submitted for bonds issued by board of commissioners to finance poor relief, showing dates of bid, bond, maturity, and redemption; rate of interest; name of bidder; and amounts of bid and bond. Arr. by dates of bids. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

15. **CONTRACTOR'S BIDS AND REQUISITIONS, 1883-1908.** 5 file boxes.

Title varies: Miscellaneous Papers.

Contractor's bids and requisitions for furnishing materials, supplies, and services to county, showing dates of filing and approval or rejection; numbers and amounts of bid and requisition; names of contractor and project; description, amount, and nature of material requested; and nature of service. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1, secs. A, C.

For prior and subsequent records, see entry 3.

CLAIMS AND ALLOWANCES

16. **COMMISSIONERS' COURT CLAIM AND ALLOWANCE RECORD, 1895—.**

12 vols. (1-10, and 2 vols. not numbered).

Record of claims presented to and allowances made by board of commissioners for county expenses, showing dates and amounts of claim and allowance; appropriation, claim, and warrant numbers; name of claimant; and purpose of claim. Arr. by claim nos. Hdw. 250 pp. 16 x 13 x 2. 6 vols., 1895-Apr. 1925, sub-bsmt. vt., sec. 1; 6 vols., May 1925—, aud. vt. 1, sec. A.

For original claims, see entry 3.

17. **DEPARTMENT OF PUBLIC WELFARE [Claims], 1936—.** 3 file boxes.

Original claims of department of public welfare for administrative expenses filed for allowance by board of commissioners, showing dates of claim and filing, claim and warrant numbers, name of claimant, amounts of claim and allowance, and nature of services rendered or materials furnished. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

18. **RETURN OF FUGITIVES [Sheriff's Claims], 1926-Dec. 1934.** 2 file boxes.

Claims presented to board of commissioners for payment of expenses incurred in transporting prisoners to penal institutions and boarding prisoners in county jail, showing date, amount, and number of claim;

names of prisoner and penal institution; nature of expense; dates of commitment and discharge of prisoner; and date and amount of payment. Arr. by dates of payments. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. A, C.

For prior and subsequent records, see entry 3.

19. HEALTHWIN HOSPITAL [Claims], 1930-Dec. 1932. 12 file boxes (numbering varies).

Original claims filed with board of commissioners for materials furnished Healthwin hospital, showing date, number, amount, and nature of claim; name of claimant; and date and amount of payment. Arr. by dates of payments. Hdw. and typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

For prior and subsequent records, see entry 3.

20. STATE BENEVOLENT INSTITUTIONS [Claims], 1853-94. 1 file box. Claims presented by state benevolent institutions to board of commissioners for expenses incurred in transporting and maintaining patients from county, showing names of patient, superintendent, and institution; date and number of claim; itemized statement of articles furnished; unit price; total cost; and date and amount of payment. Arr. by dates of payments. Hdw. Condition fair. 10 x 5 x 15. Aud. vt. 1, sec. C.

For subsequent records, see entry 3.

21. RECORD OF COURT HOUSE ALLOWANCES, 1895. 1 vol.

Register of allowances by board of commissioners for payment of labor and materials for construction of new courthouse, showing date, amount, and nature of allowance; order number; and name of payee. Arr. by order nos. Hdw. 500 pp. 18 x 13 x 3. Sub-bsmt. vt., sec. B.

PUBLIC IMPROVEMENTS

ROADS

(See also entries 595-598)

22. [INDEX TO ROADS], 1832—. 2 vols.

Index to road records in County Commissioners' Record, entry 1, showing section, township, and range numbers; and volume and page reference to recording. Arr. by township and range nos. Hdw. Condition fair. 200 pp. 18 x 12 x 1. Aud. vt. 1, sec. A.

23. IMPROVED ROADS, 1834-46, 1916—. 22 file boxes (numbering varies). Title varies: Durmont Road Petitions; Petitions for Changing Highways.

Various papers pertaining to improvement and construction of roads including engineers' and viewers' reports, petitions, proofs of publication, appropriations, resolutions, and notices of bond issues, showing dates of instrument and filing; names of petitioners, engineer, viewers, and road; plans and specifications of improvement; location of road; and amounts of bond issue and appropriation. Arr. by dates of instruments. 1834-46, hdw.; 1916—, typed. 10 x 5 x 15. Aud. vt. 1, secs. A, C.

BRIDGES

(See also entries 599, 600)

24. BRIDGES, 1889—. 10 file boxes.

Original papers pertaining to bridge construction and repair including

contracts, petitions, proofs of publication, remonstrances, bids, and contractors' bonds, showing date of instrument; names of bridge, petitioner, remonstrator, bidder, contractor, and sureties; amount of bond; and location and description of bridge. Arr. by dates of instruments. Hdw. 10 x 5 x 15. Aud. vt. 1, secs. A, C.

DITCHES

(See also entries 392-394, 588-594)

25. DITCH CONTRACTS, 1891-1931. 14 file boxes.

Papers pertaining to ditches including petitions, contracts, assessments, proofs of publication, viewers' reports, claims, surveyors' certificates, and resolutions, showing dates of instrument and filing; names of ditch, petitioners, claimants, viewers, surveyors, remonstrators, and property owners; description and location of property; and amounts of assessment and claim. Arr. by dates of filing. 1891-1901, hdw.; 1901-31, typed. 10 x 5 x 15. Aud. vt. 1, secs. A, C.

For subsequent records, see entry 3.

26. COMPLETE RECORD OF DITCHES, 1877-Jan. 27, 1903. 4 vols. (1-4).

Minutes of meetings of county ditch commissioners, showing date of meeting; names of members present, ditch, petitioner, remonstrators, surveyor, and viewers; reports of surveyor and viewers; description and location of ditch; itemized cost for repair and construction; and nature of action taken. Indexed alph. by names of ditches. 1877-Aug. 1899, hdw.; Sept. 1899-1903, typed. 590 pp. 18 x 13 x 3. Aud. vt. 1, sec. A.

For subsequent records, see entry 1.

27. DITCH CONTRACT AND BONDS, 1890-93. 1 vol.

Record of contracts approved by commissioners and bonds posted by contractors to insure fulfillment of contracts for construction and repair of ditches, showing names of ditch, contractor, sureties, and witnesses; dates of contract, bond, completion, approval, and acceptance; and amounts and conditions of contract and bond. Arr. by dates of contracts and bonds. Hdw. 400 pp. 12 x 10 x 2. Aud. bsmt. vt. 3, sec. G.

For other ditch contract records, see entry 3.

28. CERTIFICATE OF ACCEPTANCE [Ditches], 1890-94. 1 vol.

Surveyor's certificates of completion of ditches and acceptance by board of commissioners, showing names of surveyor and ditch, location and description of property, dates of completion and acceptance, number of allotment, and certified statement of surveyor of amount due contractor from property owners. Arr. alph. by names of ditches. Hdw. 150 pp. 15 x 10 x 1. Sub-bsmt. vt., sec. H.

For subsequent records, see entry 3.

BUILDINGS

(See also entry 601)

29. HEALTHWIN HOSPITAL, NEW BUILDINGS AND BOND ISSUE, 1927. 1 file box.

Various papers pertaining to construction of Healthwin Hospital including proofs of publication, contracts, bonds, proposals, ordinances,

and bids for bonds and construction, showing dates of instrument and filing; names of principals; and amounts of proposed construction, bond issues, and bids. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

30. SOLDIER'S MONUMENT PETITION, 1900 1 file box.

Petition to board of commissioners to construct a monument on courthouse grounds in commemoration of soldiers and sailors, showing dates of petition and approval and names of petitioners and township. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. C.

31. [PUBLIC IMPROVEMENT PROPERTY], 1901-21. 1 vol.

Transcripts of condemnation and proceedings of board of commissioners to acquire property for public use, showing names of owner and appraisers; date and nature of proceedings; description, location, and appraised valuation of property; and amount of consideration. Arr. alph. by names of owners. Typed. 150 pp. 17 x 16 x 1½. Aud. vt. 1, sec. A.

MAPS

32. ST. JOSEPH COUNTY, 1 map.

Political and communication map of St. Joseph County, showing incorporated cities and towns; section, range, township, and precinct boundaries; steam and electric railways; and location, dimensions, and types of roads, bridges, and underpasses. Blueprint. No scale given. 48 x 48. Comr. ct. rm.

II. COUNTY COUNCIL

The St. Joseph County Council is a statutory body, created by the general assembly in 1899,¹ and consists of seven members who must be qualified voters and resident freeholders of the county. They are elected for four-year terms and take office ten days after election. The county is divided into four councilmanic districts of contiguous territory as nearly equal in population as possible, from each of which one councilman is elected by the voters of the district. Three councilmen-at-large are elected by the voters of the whole county.²

Prior to the creation of the county council, all fiscal powers of the county were vested in the board of commissioners.³

The council meets on the second Saturday after its election for the purpose of organization, at which meeting it chooses from among its own members a presiding officer and a presiding officer pro tem. The regular annual meeting for the purpose of fixing the tax rate, imposing the tax levy, and making appropriations is held on the first Tuesday after the first Monday of September. Special meetings may be called by the auditor or by a majority of the members.⁴

The council prescribes its own rules, and when in session con-

¹ Acts 1899; Burns 26-501; Baldwin 5365.

² Acts 1899; Burns 26-502, 26-504, 26-505; Baldwin 5366, 5368, 5369.

³ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-549; Baldwin 5413.

⁴ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

tinues from day to day until the business before it is completed. All sessions must be public.⁵

Although a majority of the council constitutes a quorum, the passage of ordinances requires a majority vote of all members,⁶ and extraordinary majorities are required by law in certain instances: A three-fourths vote to increase or insert an item in the budget estimates submitted by the county agencies through the auditor;⁷ a two-thirds vote of all members to make additional appropriations at special meetings.⁸

The power of fixing the tax rate for county purposes and for all purposes, where the rate not fixed by law must be uniform throughout the county, and the power of making appropriations to be paid out of the county treasury, are vested exclusively in the council.⁹ This body passes on all budget estimates submitted by county officials¹⁰ and makes emergency appropriations.¹¹ It has exclusive power to authorize the borrowing of money for the county and the issuing of bonds, but the total amount of county indebtedness must not exceed two percent of the value of the taxable property of the county, less the total of mortgage exemptions.¹² No sale or purchase by the county of real estate of a thousand dollars or more can be made without authorization by the council.¹³

The council selects one of its number as a member of the board of tax adjustment.¹⁴ A two-thirds vote of all members may expel any one of them for violation of official duties or declare his seat vacant by reason of disability or neglect.¹⁵

The auditor serves as clerk of the council, and, as such, attends its meetings and keeps a journal of its proceedings. He also preserves in his office its files and papers.¹⁶ The sheriff is required to execute the orders of the council.¹⁷

The records are located in the courthouse.

33. COUNTY COUNCIL RECORD, 1899—. 4 vols. (1-4).

Minutes of meetings of county council, showing date and place of meeting, names of members present, subjects discussed, and action taken. Arr. by dates of meetings. 1899, hdw.; 1900—, typed. 300 pp. 18 x 13 x 2. Aud. vt. 1, sec. A.

34. COUNTY COUNCIL [Papers], 1899—. 7 file boxes.

Various papers acted upon by county council including certificates of

⁵ Acts 1899; Burns 26-508; Baldwin 5372.

⁶ Acts 1899; Burns 26-511; Baldwin 5375.

⁷ Acts 1899; Burns 26-520; Baldwin 5384.

⁸ Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

⁹ Acts 1899; Burns 26-515, 26-520; Baldwin 5379, 5384.

¹⁰ Acts 1899; Burns 26-520; Baldwin 5384.

¹¹ Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

¹² Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

¹³ Acts 1899; Burns 26-534; Baldwin 5399.

¹⁴ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁵ Acts 1899; Burns 26-521; Baldwin 5376.

¹⁶ Acts 1899; Burns 26-509; Baldwin 5373.

¹⁷ Acts 1899; Burns 26-510; Baldwin 5374.

election, oaths, proofs of publication, notices of meetings, bond sales, tax levies, officers' requisitions for supplies, budget estimates, ordinances for appropriation, and bids on bonds, showing dates of instrument and filing, names of principals, and conditions of instrument. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

35. LEGAL PROOFS [County Council], 1936. 1 file box.

Statements of notices of publication in newspapers of county council meetings, showing date, cost, and nature of publication; names of publisher and newspaper; and number of times notice published. Arr. by dates of publications. Hdw. and printed. 10 x 5 x 15. Aud. vt. 1, sec. C.

For prior and subsequent records, see entry 34.

III. CLERK OF THE CIRCUIT COURT

The clerk of the circuit court, commonly referred to as "county clerk", is a constitutional officer, elected for a four-year term. No person is eligible to hold the office of clerk of the circuit court for more than eight years in any twelve-year period.¹ The clerk is required to post a bond in the amount fixed by the board of commissioners,² which is filed and recorded in the office of the recorder.³

Prior to the Constitution of 1851, the office of clerk of the circuit court was established in St. Joseph County in 1830, at the organization of the county when a clerk was elected at the first election, under the authority of the Constitution of 1816 and the organization act.⁴

The clerk is required to attend, in person or by deputy, the circuit court,⁵ to draw up a record of the proceedings of the court daily,⁶ to administer oaths,⁷ and to receive payments for all judgments of record in his office.⁸ He is also clerk of two additional county courts, created in later years: Superior Court No. 1 and Superior Court No. 2, and performs therein, by deputy, the same duties as in the circuit court.⁹ He also prepares the budget estimates for each of the courts of the county.¹⁰

Other important duties of the clerk are the issuance of marriage licenses;¹¹ professional licenses, such as physicians',¹² dentists',¹³ and optometrists';¹⁴ hunting, trapping, and fishing licenses;¹⁵ and business

¹ Const., art. 6, sec. 2. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

² Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

³ 1 Rev. Stat. 1852; Burns 49-106; Baldwin 13066.

⁴ Const., 1816, art. 5, sec. 8. Acts 1829-30, ch. 23, sec. 6. Commissioners' Record 1:1.

⁵ 2 Rev. Stat. 1852; Burns 2706; Baldwin 1433.

⁶ 2 Rev. Stat. 1852; Acts 1885, 1933; Burns 4-324; Baldwin 1413.

⁷ 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

⁸ Acts 1875; Burns 49-2719; Baldwin 1438.

⁹ Acts 1907; Burns 4-1710; Baldwin 1629. Acts 1921; Burns 4-1804; Baldwin 1661.

¹⁰ Acts 1899; Burns 26-516; Baldwin 5380.

¹¹ 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

¹² Acts 1897; Burns 63-1303; Baldwin 10705.

¹³ Acts 1913, 1931, 1935; Burns, 1938 suppl., 63-504; Baldwin, 1935 suppl., 5589.

¹⁴ Acts 1907, 1935; Burns, 1938 suppl., 63-1011; Baldwin, 1935 suppl., 13182.

¹⁵ Acts 1937; Burns, 1938 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

licenses, such as poultry dealers¹⁶ and junk dealers'.¹⁷ He approves, files, and keeps a record of the bonds of county and township officers, unless other provision is made by law,¹⁸ and of notaries public;¹⁹ and registers the certificates of trained nurses.²⁰ He records certificates of firms and partnerships doing business under any name, designation, or title other than the real names of their members.²¹

In addition to these duties, the clerk serves ex officio as registration officer for the county²² and as a member and clerk of the county election boards.²³

The clerk is required to preserve in his office all records and writings appertaining to his official duties, to endorse the time of filing all papers, and to keep, for each court named above, such separate and distinct records as may be necessary to its transactions.²⁴

The records are located in the courthouse.

OFFICIAL BONDS

(See also entries 501-503)

36. NOTARY BOND RECORD, 1897—. 10 vols. (4-13). 1846-96, in [Official] Bond Record, entry 40.

Record of bonds posted by notaries public to insure faithful performance of duties, showing date, amount, and conditions of bond; and names of notary and sureties. Indexed alph. by names of notaries; for separate index, 1897-1928, see entry 37. Hdw. 400 pp. 18 x 12 x 2. 2 vols., 1897-Oct. 15, 1917, clk. bsmt. vt. 4, sec. A; 4 vols., Oct. 18, 1917-Nov. 2, 1923, clk. bsmt. vt. 3, sec. C; 4 vols., Nov. 3, 1923—, clk. vt. 2.

37. OFFICIAL BOND RECORD [Index to Notary Bonds], 1897-1928. 1 vol.

Partial index to Notary Bond Record, entry 36, showing names of notary and sureties, date and amount of bond, and volume and page reference to recording. Arr. alph. by names of notaries. Hdw. 300 pp. 18 x 12 x 3. Clk. bsmt. vt. 4, sec. A.

38. MISCELLANEOUS BOND RECORD, 1899—. 8 vols. (4-11).

Transcripts and photostatic copies of miscellaneous bonds, including county official, justice, constable, cost, appeal, replevin, contest of will,

¹⁶ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

¹⁷ Acts 1905; Burns 42-703; Baldwin 10462.

¹⁸ 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1857; Burns 49-124; Baldwin 13077.

¹⁹ 1 Rev. Stat. 1852; Acts 1855; Burns 49-3503; Baldwin 13016.

²⁰ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

²¹ Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

²² Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

²³ Acts 1899; Burns 29-1002; Baldwin 7109. Acts 1905; Burns 29-1402; Baldwin 7378. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

²⁴ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1871; Burns 4-1415; Baldwin 1608. Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442. Acts 1881 (Spec. Sess.); Burns 2-813, 2-3314; Baldwin 94, 524. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205, 6-2206; Baldwin 3014, 3288. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1938 suppl., 9-2801; Baldwin, 1937 suppl., 1759. Acts 1907; Burns 4-2918; Baldwin 1795. Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13-844.

delivery, recognizance, and attachment bonds, showing date, amount, number, and conditions of bond; and names of principal and sureties. Indexed alph. by names of principals. 1899, Sept. 2, 1899, hdw.; Sept. 8, 1899-Dec. 4, 1928, typed; Dec. 17, 1928—, photostat. 400 pp. 18 x 12 x 2½. 2 vols., 1899-Apr. 25, 1924, clk. bsmt. vt. 3, sec. C; 6 vols., Apr. 26, 1924—, clk. vt. 2.

39. OFFICIAL BONDS, 1926—. 1 file box.

Original bonds posted by justices, constables, and county officials for faithful performance of duties, showing dates of bond and filing; amount and conditions of bond; and names of principal, office, witnesses, and sureties. Arr. by dates of filing. Hdw. 10 x 5 x 15. Clk. off.

40. [OFFICIAL] BOND RECORD, 1846-1913. 5 vols. (numbering varies). Title varies: Record of Constables, Justices and Miscellaneous Bonds.

Record of bonds posted by county officials, constables, and justices for faithful performance of duties, showing date, amount, and conditions of bond; date of appointment or election; term of office; and names of principal and sureties. Also contains: Notary Bond Record, 1846-96, entry 36. Indexed alph. by names of principals; for separate index, 1889-1900, see entry 41. 1846-Nov. 1900, hdw.; Dec. 1900-13, typed. 300 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 38.

41. OFFICIAL BOND INDEX RECORD, 1889-1900. 1 vol.

Partial index to [Official] Bond Record, entry 40, showing names of principal and sureties; date, nature, and amount of bond; and volume and page reference to recording. Arr. alph. by names of principals. Hdw. 250 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. C.

LICENSES AND CERTIFICATES

MARRIAGE

(See also entries 544, 545)

42. MARRIAGE RECORD, 1838—. 104 vols. (2-105).

Record of marriage applications and licenses, showing dates of application and license; names, ages, addresses, family histories, previous marital status, dates and places of birth, and occupations of bride and groom; names, addresses, and occupations of parents; and name of person officiating. Indexed alph. by names of brides and grooms; for separate index, see entry 43. Hdw. 200 pp. 18 x 12 x 3. 49 vols., 1838-Nov. 9, 1929, clk. bsmt. vt. 3, sec. E; 55 vols., Nov. 10, 1929—, clk. vt. 1.

43. GENERAL INDEX OF MARRIAGE LICENSES, 1832—. 9 vols. (1-9).

Index to Marriage Record, entry 42, showing names of bride and groom and volume and page reference to recording. Arr. alph. by names of brides and grooms. Hdw. 500 pp. 18 x 12 x 2½. 7 vols., 1832-Nov. 1931, clk. vt. 1; 2 vols., Dec. 1931—, clk. off.

44. APPLICATION FOR MARRIAGE LICENSE, 1905—. 219 vols.

Original applications for marriage licenses, showing date and number of application; names, ages, addresses, color, dates and places of birth, family histories, previous marital status, and occupations of bride and

groom; and names, addresses, birthplaces, occupations, and consent of parents. Arr. by dates of applications. Hdw. 300 pp. 10 x 14 x 2. 208 vols., 1905-Dec. 30, 1937, clk. bsmt. vt. 3, sec. F; 11 vols., Dec. 31, 1937—, clk. off.

45. PARENT'S CONSENT, 1905-21. 6 bdls.

Original affidavits of consent of parents to issue marriage licenses to minors, showing names of bride, groom, and parent or guardian; and dates of affidavit and filing. Arr. by dates of filing. Hdw. 3 x 4½ x 9. Clk. bsmt. vt. 3, sec. D.

For subsequent records, see entry 44.

46. MARRIAGE RECORD RETURNS, 1896-Dec. 27, 1928. 70 pigeon-holes.

Original marriage certificates returned to clerk by person officiating, showing dates of marriage and return; and names of bride, groom, witnesses, and person officiating. Arr. by dates of returns. Hdw. 14 x 5 x 10. Clk. bsmt. vt. 3, sec. D.

For subsequent records, see entry 42.

PHYSICIANS

47. PHYSICIAN'S LICENSE BOOK, 1885—. 4 vols. (1-4).

Record of applications, certificates of examination by state board of medical registration and examination, and issuance of licenses for physicians and midwives to practice in county, showing name, age, address, and birthplace of physician or midwife; school attended; dates of graduation and license; and certificate number. Indexed alph. by names of physicians and midwives. Hdw. 250 pp. 13 x 18 x 2. 2 vols., 1885-July 11, 1908, clk. order bk. rm.; 2 vols., July 14, 1908—, clk. vt. 1.

48. PHYSICIAN'S CERTIFICATE, 1921—. 2 file boxes.

Original certificates issued by state board of medical registration and examination and presented to clerk to obtain licenses to practice medicine, surgery, and obstetrics in county, showing dates of certificate and filing; name, address, and qualifications of physician; and name of medical college attended. Arr. by dates of filing. Typed. 10 x 5 x 15. Clk. order bk. rm.

49. PHYSICIAN'S REGISTER, 1881-96. 1 vol.

Register of licensed physicians in county, showing dates of certificate, license, and registration; and name and address of physician. Arr. alph. by names of physicians. Hdw. Condition fair. 100 pp. 13 x 9 x 1. Clk. order bk. rm.

DENTISTS

50. DENTIST LICENSE RECORD, 1899—. 2 vols. (2, 1 vol. not numbered).

Record of certificates issued by state board of dental examiners and issuance of licenses to practice dentistry in county, showing dates of certificate and license; and name, age, birthplace, and address of dentist. Indexed alph. by names of dentists. Hdw. 200 pp. 18 x 12 x 1½. 1 vol., 1899-July 1930, clk. order bk. rm.; 1 vol., Sept. 1930—, clk. vt. 1.

51. DENTIST CERTIFICATE, 1922—. 1 file box.

Original certificates issued by state board of dental examiners and

presented to clerk to obtain licenses to practice dentistry in county, showing dates of certificate and filing, name and address of dentist, certificate number, and name of college attended. Arr. by dates of filing. Hdw. 10 x 5 x 15. Clk. order bk. rm.

OPTOMETRISTS

52. OPTOMETRY RECORD, 1907—. 1 vol.

Record of certificates issued by state board of registration and examination in optometry and licenses issued to practice optometry in county, showing dates of certificate and license; number of certificate; name, age, address, and qualifications of optometrist; and name of school attended. Indexed alph. by names of optometrists. Hdw. 250 pp. 9 x 14 x 1. Clk. vt. 1.

NURSES

53. NURSE REGISTER, 1905—. 1 vol.

Register of trained nurses in county, showing dates of registration and license, certificate number, and name and address of nurse. Arr. by dates of registration. Hdw. 150 pp. 10 x 10 x 1. Clk. off.

54. NURSE'S CERTIFICATE, 1935—. 1 file box.

Original certificates issued to nurses by state board of examination and registration and presented to obtain licenses, showing dates of certificate, filing, graduation, and examination; certificate number; and name, address, and qualifications of nurse. Arr. by dates of filing. Typed. 10 x 5 x 15. Clk. order bk. rm.

COMMERCIAL

55. RECORD OF APPLICATION FOR SIRE'S LICENSES, 1890—. Last entry 1926. 1 vol.

Record of applications for and issuance of sire licenses, showing dates of application and license; name of owner; and name, birthdate, description, and pedigree of sire. Indexed alph. by names of owners. Hdw. 320 pp. 18 x 11 x 1½. Clk. bsmt. vt. 3, sec. C.

56. JUNK DEALERS' LICENSE RECORD, 1905—. 1 vol.

Record of applications for and issuance of licenses to purchase junk in county, showing date and term of license, name of dealer, and location of business. Indexed alph. by names of dealers. Hdw. 200 pp. 15 x 10 x 2. Clk. order bk. rm.

57. POULTRY DEALERS PERMITS, 1917—. 2 file boxes. Last entry Nov. 30, 1933.

Original applications for licenses to purchase poultry, showing dates of application, license, and filing; term of license; and name and business address of dealer. Also contains: [Applications for Grain Alcohol Permits], 1917-31, entry 58. Arr. by dates of filing. Hdw. 10 x 5 x 15. Clk. off.

58. [APPLICATION FOR GRAIN ALCOHOL PERMITS], 1917-31. In Poultry Dealers Permits, entry 57. Discontinued by an act of 1935. Original applications for permits to receive, possess, use, or sell pure grain alcohol, showing dates of application and filing, name of applicant, kind and location of business, and nature of use.

59. PETTY MONEY LENDER'S LICENSES, 1913-16. 1 vol. 1917-32, issued by auditor of state; 1933—, issued by department of financial institutions.

Stubs of licenses issued to petty money lenders, showing date, number, and term of license; and name and business address of firm. Indexed alph. by names of firms. Hdw. 290 pp. 14 x 9 x 1½. Clk. bsmt. vt. 3, sec. C.

60. PATENT PAPERS, 1923—. 1 pigeonhole.

Certified copies of letters of patent rights granted by U. S. Patent Office, showing names of patentee and patent; dates of application, letters, expiration of patent, and filing; and description and detailed drawing of patent. Arr. by dates of filing. Typed. 5 x 5 x 15. Clk. order bk. rm.

61. PATENT RIGHT RECORD, 1869-93. 1 vol.

Record of patent right certificates filed with clerk, showing dates of certificate and filing, description of invention, patent number, and name of patentee. Indexed alph. by names of patentees. Hdw. 420 pp. 18 x 11 x 1½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 155.

62. INSURANCE RECORD OF AGENTS CERTIFICATES, 1912-19. 1 vol.

Discontinued—agents' licenses as now issued by state are valid in every county.

Record of certificates issued by auditor of state to agents of insurance companies authorizing them to transact business in county, showing dates of certificate, expiration, and filing; names and addresses of company and agent; and financial statement of company. Arr. by dates of filing. Hdw. 200 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

FIREARMS

(See also entries 349, 350)

63. RECORD OF SALE FIRE ARM PERMITS, 1917—. 1 file box.

Original applications for permits to carry firearms, showing dates of application and filing; name, address, and description of applicant; and description and number of firearm. Also contains: [Reports of Firearm Sales], 1925—, entry 64. Arr. by dates of filing. Hdw. 10 x 5 x 15. Clk. off.

64. [REPORTS OF FIREARM SALES], 1925—. In Record of Sale Firearm Permits, entry 63.

Reports by firearm dealers of sales of guns to individuals, showing dates of sale and report, names and addresses of dealer and purchaser, age of purchaser, and description and number of gun. Arr. by dates of reports.

HUNTING AND FISHING

65. [FISHING AND HUNTING LICENSE], 1938. 1 file drawer. Prior records forwarded to state department of conservation.

Stubs of fishing and hunting licenses issued, showing dates of issue and expiration; amount and number of license; and name, age, description, and address of licensee. Also contains: [Hunting and Fishing Free Permits], entry 66. Arr. by license nos. Hdw. 10 x 22 x 18. Clk. off.

66. [HUNTING AND FISHING FREE PERMITS], 1938.

In [Fishing and Hunting License], entry 65. Stubs of free permits granted war veterans, showing date and number of permit; name of war in which service was rendered; and name, age, personal description, and address of soldier. Arr. by permit nos.

BUSINESS ASSOCIATIONS

(See also entry 109)

67. CERTIFICATE OF PARTNERSHIP, 1910—. 3 vols. (1-3).

Record of firms or partnerships doing business under names other than their own, showing date of filing, name of firm or partnership, nature and location of business, and names and addresses of members. Indexed alph. by names of firms or partnerships. 1910-June 1924, typed; July 1924—, hdw. 600 pp. 18 x 12 x 2½. Clk. vt. 2.

68. PARTNERSHIP CERTIFICATES, 1932—. 1 file box.

Original certificates filed with clerk by firms or partnerships doing business under names other than their own, showing date of certificate, name of firm or partnership, nature and location of business, and names and addresses of members. Arr. by dates of certificates. Hdw. 10 x 5 x 15. Clk. order bk. rm.

MILITARY RECORDS

(See also entries 107, 108, 465)

69. ENROLLMENT OF SOLDIERS, 1886, 1890, 1894. 3 vols.

Register of soldiers who served in Mexican and Civil wars, showing date and place of enrollment; and name, age, address, nationality, rank, and health condition of soldier. Indexed alph. by names of soldiers. Hdw. 175 pp. 16 x 11 x 1½. Clk. bsmt. vt. 4, sec. A.

MISCELLANEOUS

70. POWER OF ATTORNEY, 1912—. 1 file box.

Original authorizations of power of attorney, showing dates of authorization, revocation, and filing; names of principal and agent; and limitation of power granted. Arr. by dates of filing. Typed. 10 x 5 x 15. Clk. off.

For other power of attorney records, see entry 71.

71. MISCELLANEOUS PAPERS, 1919—. 1 file box.

Miscellaneous instruments including appointments of officers, transcripts of changes of venue, incorporations, articles of agreement, inventory and appraisements of firms in bankruptcy, parole papers from reformatory, power of attorney, and appointment of railroad police, showing names of principals, dates of filing and instrument, and nature of instrument. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 15. Clk. off.

72. MEMORIAL RECORD, 1921-25. 1 vol.

Transcripts of resolutions adopted by St. Joseph County Bar Association in memoriam of prominent deceased public officials who have been

connected with the courts, showing dates of memorial and adoption, name of official, brief biography and accomplishments of official, and name of person who prepared memorial resolution. Arr. by dates of adoption. Typed. 600 pp. 18 x 12 x 2. Clk. vt. 2, sec. D.

73. ESTRAY RECORD, 1831-Oct. 6, 1918. 4 vols.

Transcripts of notices of finding and taking up of strayed animals, showing dates of notice and finding, name and address of finder, description and appraised value of animal, where found, and amount of cost due finder. Arr. by dates of notices. Hdw. 220 pp. 15 x 10 x 2. Clk. bsmt. vt. 4, sec. A.

RECEIPTS AND DISBURSEMENTS

74. CLERK'S DAILY BALANCE AND CASH STATEMENT, 1881—. 11 vols. (numbering varies).

Record of clerk's daily balance of cash receipts and disbursements, showing balance at beginning and close of day; date of balance; date, amount, and nature of receipt or disbursement; amount of deposit; cash on hand; name of depository; total receipts, disbursements, deposits, and balance; and amount due county. Arr. by dates of balances. Hdw. 300 pp. 10 x 11 x 3. 7 vols., 1881-June 25, 1925, clk. bsmt. vt. 4, sec. A; 4 vols., June 26, 1925—, clk. vt. 1.

75. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1912—. 4 vols. (10-12, 1 vol. not numbered).

Register of fees and funds held in trust by clerk to be disbursed by court orders, showing date and amount of receipt or disbursement; cause number; names of plaintiff, defendant, and payer or payee; and volume and page reference to Judgment Docket, entry 158; Guardianship Docket and Fee Book, entry 200; Register of Fees, entry 235; Support Docket, entry 236. Arr. alph. by names of payers. Hdw. 550 pp. 18 x 12 x 3. Clk. order bk. rm.

76. CASH BOOK OF RECEIPTS AND DISBURSEMENTS, 1924—. 19 vols. (1-19).

Record of all daily receipts and disbursements, showing date, nature, and amount of receipt or disbursement; receipt or check numbers; names of payee or payer and fund; and total receipts and disbursements. Arr. by dates of receipts or disbursements. Hdw. 400 pp. 18 x 13 x 3½. 14 vols., 1924-Feb. 14, 1935, clk. bsmt. vt. 4, sec. A; 5 vols., Feb. 15, 1935—, clk. vt. 2.

For prior records, see entries 77, 78.

77. CASH BOOK OF RECEIPTS, 1911-Aug. 1924. 7 vols. (1-7).

Record of daily cash receipts from all sources, showing date, number, and amount of receipt; cause number; name of payer; and total receipts. Arr. by dates of receipts. Hdw. 300 pp. 18 x 16 x 2. Clk. bsmt. vt. 4, sec. A.

For prior records, see entry 79; for subsequent records, see entry 76.

78. CASH BOOK OF DISBURSEMENTS, 1911-Aug. 1924. 5 vols. (1-5).

Record of daily disbursements, showing date, nature, and amount of disbursement; name of payee; cause and check numbers; and total

disbursements. Arr. by dates of disbursements. Hdw. 300 pp. 18 x 14 x 3. Clk. bsmt. vt. 4, sec. A.

For prior records, see entry 80; for subsequent records, see entry 76.

79. CLERK'S CASH BOOK, 1894-Nov. 1911. 4 vols. (4-7).

Record of daily cash receipts from all sources other than superior court, showing date, number, and amount of receipt; name of payer; cause number; and total receipts. Arr. by dates of receipts. Hdw. 300 pp. 18 x 16 x 2. Clk. bsmt. vt. 3, sec. E.

For prior records, see entry 81; for subsequent records, see entry 77.

80. CLERK'S CASH CREDIT, 1894-Nov. 1911. 3 vols. (1 vol. not numbered, 2, 3).

Record of all daily disbursements from funds other than superior court 1, showing date, nature, and amount of disbursement; cause and check numbers; and names of payee and depository. Arr. by dates of disbursements. Hdw. 250 pp. 18 x 16 x 2. Clk. bsmt. vt. 3, sec. E.

For prior records, see entry 81; for subsequent records, see entry 78.

81. CASH BOOK, 1871-94. 3 vols. (2 vols. not numbered, 3).

Record of all daily receipts and disbursements, showing date, nature, and amount of receipt or disbursement; cause and receipt or check numbers; names of payer and payee; and total receipts and disbursements. Arr. by dates of receipts or disbursements. Hdw. 400 pp. 18 x 13 x 3½. Clk. bsmt. vt. 2, sec. E.

For subsequent records, see entries 79, 80.

82. CLERK'S RECEIPTS AND DISBURSEMENTS, 1931—. 85 bdl.

Duplicate general receipt and disbursement slips, showing date and nature of receipt or disbursement, name of payer or payee, and volume and page reference to Cash Book of Receipts and Disbursements, entry 76. Arr. by dates of receipts or disbursements. 4 x 7 x 12. 50 bdl., 1931-36, clk. bsmt. vt. 3, sec. C; 35 bdl., 1937—, clk. order bk. rm.

83. [CANCELED CHECKS], 1935—. 20 pigeonholes.

Canceled checks drawn on depositories for payment of alimony, showing date, number, and amount of check, names of payee and depository, and date of cancelation. Arr. by check nos. Typed. 5 x 5 x 15. Clk. order bk. rm.

IV. RECORDER

The recorder is a constitutional officer elected for a four-year term. No person is eligible to hold the office for more than eight years in any twelve-year period. The recorder is required to post bond in the amount of four thousand dollars.¹

Prior to the Constitution of 1851, the office of recorder was established in St. Joseph County, under the authority of the Constitution of 1816² and an act of 1818 concerning the organization of new counties.³ The first election after the county's organization was held on the first

¹ Const. art. 6, sec. 2. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

² Const. 1816, art. 11, sec. 10.

³ Acts 1817-18 (special), ch. 3, sec. 1.

Monday in August 1830, Lathrop M. Taylor was elected both clerk of the circuit court and recorder.⁴ It was not uncommon in the early days for the same man to hold both offices.

The title of this officer describes his functions—to make and preserve a public record of legal documents which by law he is bound to record, for both county officials and private persons.⁵ Of the many kinds of instruments recorded the more important are: Deeds and mortgages;⁶ satisfactions, cancelations, and assignments of any kind;⁷ releases;⁸ mechanic's liens;⁹ leases;¹⁰ articles of incorporation;¹¹ certificates of admission for foreign corporations to do business in Indiana;¹² cemetery deeds;¹³ and articles of cemetery associations.¹⁴ He files chattel mortgages;¹⁵ registers farm names;¹⁶ and records, without fee, soldiers' and sailors' discharge papers.¹⁷ Also without fee, he files old-age assistance award certificates, which establish liens against estates of recipients to insure county reimbursement for assistance rendered. He enters, in a separate book, an abstract of such certificates.¹⁸

The forms and methods to be used by the recorder are described in detail in the statutes. He keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting day and hour received, which time is the legal date of recording.¹⁹ In addition to the records enumerated above, he keeps a fee book and a cashbook, and enters therein, as received, all moneys received in his office.²⁰ He is required to index his records, both in each volume and in complete or general indexes.²¹

All the records are located in the courthouse.

⁴ Executive Proceedings, 1823-36, p. 476. Logan Esarey, *History of Indiana*, 3:39. Timothy Edward Howard, *A History of St. Joseph County*, 1:181.

⁵ 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470.

⁶ 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

⁷ Acts 1905; Burns 49-3203; Baldwin 5472. Acts 1935; Burns, 1938 suppl., 51-511; Baldwin, 1935 suppl., 13227-11.

⁸ 2 Rev. Stat. 1852; Burns 56-708; Baldwin 992. Acts 1935; Burns, 1938 suppl., 51-511; Baldwin, 1935 suppl., 13227-11.

⁹ Acts 1909; Burns 43-704; Baldwin 10508.

¹⁰ 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

¹¹ Acts 1929; Burns 25-219; Baldwin 4919. Acts 1935; Burns, 1938 suppl., 25-527; Baldwin, 1935 suppl., 4989-21.

¹² Acts 1929; Burns 25-305; Baldwin 4963. Acts 1935; Burns, 1938 suppl., 25-527; Baldwin, 1935 suppl., 4989-21.

¹³ Acts 1925; Burns 21-223; Baldwin 4648.

¹⁴ 1 Rev. Stat. 1852; Burns 25-1520; Baldwin 10599.

¹⁵ Acts 1935; Burns, 1938 suppl., 51-510; Baldwin, 1935 suppl., 13227-10. Acts 1935, 1937; Burns, 1938 suppl., 51-515; Baldwin, 1937 suppl., 13227-15.

¹⁶ Acts 1913; Burns 49-3226; Baldwin 5488.

¹⁷ Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

¹⁹ 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470.

²⁰ Acts 1895; Burns 49-1401; Baldwin 7576.

²¹ 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216; Baldwin 5480.

ENTRY OF INSTRUMENTS FOR RECORDING

84. RECORDER'S ENTRY BOOK, 1836—. 57 vols. (2-58).

Register of all instruments received for recording, showing date and time received; names of principals; kind, number, and date of instrument; description of property; amounts of consideration and fee; and volume and page reference to recording. Arr. by instrument nos. Hdw. 600 pp. 18 x 13 x 3. 49 vols., 1836-Dec. 26, 1933, recr. bsmt. vt. 2, sec. C; 8 vols., Dec. 30, 1933—, recr. vt. 1.

LAND TRANSFERS

DEEDS AND TITLES

85. DEED RECORD, 1832—. 308 vols. (numbering varies).

Transcripts and photostatic copies of deeds for conveyance of titles to real property, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Also contains: Quiet Title Record, 1832-1910, entry 89; Tax Title Deed, 1832-1915, entry 90; Cemetery Deed Record, 1862-1922, entry 91; Mortgage Record, 1832-42, entry 95; School Fund Mortgage Record, 1832-42, entry 98; Chattel Mortgage Record, 1832-42, entry 101; Miscellaneous Records, 1832-52, entry 110. For index, see entry 86. 1832-June 5, 1901, hdw.; June 6, 1901-Dec. 15, 1928, typed; Dec. 16, 1928—, photostat. 640 pp. 18 x 12 x 3. 92 vols., 1832-June 4, 1892, recr. bsmt. vt. 2, sec. C; 216 vols., June 5, 1892—, recr. off.

86. GENERAL INDEX OF DEEDS, 1832—. 53 vols. (1-46, and 7 vols. not numbered).

General index to Deed Record, entry 85, showing names of grantor and grantee, location and description of property, date of recording, and volume and page reference to recording. Arr. alph. by names of grantors and grantees. Hdw. 600 pp. 18 x 12 x 3. 22 vols., 1832-June 2, 1882, recr. bsmt. vt. 2, sec. A; 22 vols., June 3, 1882-1930, recr. vt. 1; 9 vols., 1931—, recr. off.

87. DEEDS, 1835—. 70 pigeonholes, 23 file boxes.

Original quit claim, warranty, cemetery, trustees', administrators', guardians', probate commissioners', and tax title deeds left for recording and uncalled for, showing dates of deed and recording, number and kind of deed, names of principals, and amount of consideration. Arr. alph. by names of principals. 1835-1901, hdw.; 1902—, hdw. and typed. Pigeonholes, 4 x 4 x 12; file boxes, 10 x 5 x 15. 70 pigeonholes, 1835-July 1931, recr. bsmt. vt. 2, sec. B; 23 file boxes, Aug. 1931—, recr. off.

88. SWAMP LAND RECORD, 1856—. 2 vols. (1, 2).

Record of swamplands granted by federal government to state and sold by state to persons in county for draining or reclaiming purposes, showing certificate number, dates of recording and purchase, name of purchaser, amount of consideration, terms of sale, and location and description of land. Indexed alph. by names of purchasers. Hdw. 640 pp. 18 x 13 x 2. Recr. vt. 1.

89. QUIET TITLE RECORD, 1911—. 1 vol. 1832-1910, in Deed Record, entry 85.

Transcripts and photostatic copies of judgments rendered in court actions involving titles to real estate, showing dates of trial, court proceedings, and judgment; names of plaintiff and defendant; location and description of property; and volume and page reference to Judgment Docket, entries 158, 260, and 311. Indexed alph. by names of plaintiffs and defendants. 1911-Mar. 22, 1932, typed; Mar. 23, 1932—, photostat. 700 pp. 18 x 12 x 4. Recr. vt. 1.

90. TAX TITLE DEED, 1916—. 2 vols. (1, 2). 1832-1915, in Deed Record, entry 85.

Transcripts and photostatic copies of deeds for conveyance of title to property sold for nonpayment of taxes, showing dates of tax sale certificate and deed, amounts of delinquency and sale, location and description of property, and names of grantor and grantee. Indexed alph. by names of grantors and grantees. 1916-Dec. 3, 1928, hdw.; Dec. 4, 1928—, photostat. 340 pp. 18 x 12 x 3. Recr. vt. 1.

91. CEMETERY DEED RECORD, 1923—. 2 vols. (1, 2). 1862-1922, in Deed Record, entry 85.

Transcripts of deeds for conveyance of titles to cemetery lots, showing dates of deed and recording; names of grantor, grantee, and cemetery; amount of consideration; and number, location, and description of lot. Indexed alph. by names of grantors and grantees. Typed. 640 pp. 18 x 12 x 3. Recr. vt. 1.

92. AFFIDAVITS, 1931—. 1 file box.

Affidavits of proof of ownership of property in real estate transfers, showing names of affiant and property owner, location and description of property, and dates of filing and recording. Arr. by dates of filing. Typed. 10 x 5 x 15. Recr. off.

For prior records, see entry 112.

PLATS

(See also entries 473-475)

93. PLAT BOOK, 1831—. 14 vols. (1-14).

Plats of cemeteries, additions, and subdivisions, showing date, name, and number of plat; location and description of lot or tract; names of owners; and date of recording. Indexed alph. by names of plats; for separate index, see entry 94. Hdw. 150 pp. 32 x 32 x 2. Recr. vt. 1.

94. GENERAL INDEX TO PLAT BOOKS, 1831—. 1 vol.

General Index to Plat Book, entry 93, showing name of owner and plat and volume and page reference to recording. Arr. alph. by names of owners and plats. Hdw. 18 x 12 x 1½. Recr. vt. 1.

MORTGAGE TRANSACTIONS

REAL ESTATE

95. MORTGAGE RECORD, 1843—. 299 vols. (2-300). 1832-42, in Deed Record, entry 85.

Transcripts and photostatic copies of mortgages executed to secure loans

on real property, showing dates of mortgage and recording; terms and amount of mortgage; names of mortgagor and mortgagee; and location, description, and valuation of land. Also contains: School Fund Mortgage Record, 1843-61, entry 98; Chattel Mortgage Record, 1843-80, entry 101. For index, see entry 96. 1843-Nov. 12, 1899, hdw.; Nov. 14, 1899-Jan. 2, 1929, typed; Jan. 3, 1929—, photostat. 90 vols., 1843-May 13, 1903, recr. bsmt. vt. 2, sec. C; 113 vols., May 14, 1903-Nov. 21, 1928, recr. vt. 1; 96 vols., Nov. 22, 1928—, recr. off.

96. GENERAL INDEX OF MORTGAGES, 1832—. 37 vols. (1-37).

General index to mortgages recorded in Deed Record, 1832-42, entry 85, Mortgage Record, entry 95, and School Fund Mortgage, entry 98, showing names of mortgagor and mortgagee; date, amount, and kind of mortgage; location and description of property; date of recording; and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 300 pp. 16 x 12 x 3. 17 vols., 1834-Jan. 1914, recr. bsmt. vt. 2, sec. D; 11 vols., Feb. 1914-Mar. 8, 1927, recr. vt. 1; 9 vols., Mar. 9, 1927—, recr. off.

97. MORTGAGES [Real Estate], 1836—. 49 pigeonholes, 21 file boxes (Lettering varies).

Original real estate mortgages left for recording and uncalled for, showing dates of mortgage and recording; term, conditions, and amount of mortgage; names of mortgagor and mortgagee; and location, description, and valuation of property. Arr. alph. by names of mortgagors. Hdw. Pigeonholes, 4 x 4 x 12; file boxes, 10 x 5 x 15. 49 pigeonholes, 1836-1930, recr. bsmt. vt. 2, sec. B; 21 file boxes, 1931—, recr. off.

98. SCHOOL FUND MORTGAGE RECORD, 1862—. 4 vols. (1-4). 1832-42, in Deed Record, entry 85; 1843-61, in Mortgage Record, entry 95.

Transcripts and photostatic copies of mortgages executed to secure school fund loans, showing dates of mortgage, recording, and maturity; location and description of property; amount, term and conditions of mortgage; and name of mortgagor. Indexed alph. by names of mortgagors; for separate index, see entry 96. 1862-Nov. 21, 1899, hdw.; Nov. 25, 1899-Nov. 13, 1931, typed; Nov. 18, 1931—, photostat. 740 pp. 18 x 12 x 3. Recr. vt. 1.

CHATTEL

99. CHATTEL MORTGAGE MINUTE BOOK, 1935—. 8 vols.

Record of mortgages executed to secure loans on personal property, showing dates of recording and maturity; date, term, and amount of mortgage; description of property; and names of mortgagor and mortgagee. Indexed alph. by names of mortgagors and mortgagees. Typed. 640 pp. 18 x 12 x 3. Recr. vt. 1.

For prior records, see entry 101.

100. CHATTEL MORTGAGES, 1935—. 24 file boxes. (A-W, XYZ).

Original chattel mortgages executed to secure loans on personal property left for recording and uncalled for, showing dates of filing and maturity, number of mortgage, amounts of mortgage and intangibles tax paid, rate

of interest, names of mortgagor and mortgagee, and description and location of property. Arr. alph. by names of mortgagors. Typed. 10 x 5 x 15. Recr. off.

101. CHATTEL MORTGAGE RECORD, 1881-June 1935. 103 vols. (1-103).

1832-42, in Deed Record, entry 85; 1843-80, in Mortgage Record, entry 95.

Transcripts and photostatic copies of mortgages executed to secure loans on personal property, showing dates of mortgage, recording, and maturity; names of mortgagor and mortgagee; number, term, and amount of mortgage; and description of property. For index, see entry 102. 1881-Jan. 1, 1903, hdw.; Jan. 14, 1903-Jan. 11, 1929, typed; Jan. 12, 1929-June 11, 1935, photostat. 500 pp. 18 x 12 x 2½. 70 vols., 1881-Jan. 11, 1929, recr. bsmt. vt. 2, sec. C; 32 vols., Jan. 12, 1929-Jan. 7, 1935, recr. off.; 1 vol., Jan. 10, 1935-June 11, 1935, recr. vt. 1.

For subsequent records, see entry 99.

102. INDEX TO CHATTEL MORTGAGE RECORD, 1881-1935. 73 vols. (1-70, 1-3).

Index to Chattel Mortgage Record, entry 101, showing date of recording; number and amount of mortgage; names of mortgagor and mortgagee; and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgages. Hdw. 150 pp. 18 x 12 x ½. 70 vols., 1831-Jan. 10, 1929, recr. bsmt. vt. 2, sec. A; 3 vols., Jan. 11, 1929-35, recr. vt. 1.

103. RELEASED MORTGAGES, 1836—. 49 pigeonholes (lettering varies), 1 file box.

Original chattel mortgages satisfied, released, and uncalled for, showing dates of recording, maturity, and release; number and amount of mortgage; description of property; and names of mortgagor and mortgagee. Arr. alph. by names of mortgagors. Hdw. Pigeonholes, 4 x 4 x 12; file box, 10 x 5 x 15. 49 pigeonholes, 1836-1934, recr. bsmt. vt. 2, sec. B; 1 file box, 1935—, recr. off.

LIENS

104. RECORD OF SIRE LIENS, 1893—. 1 vol. Last entry, Oct. 3, 1919. Record of liens on offspring to insure payments for sires services, showing names and addresses of lienor and lienee, date and terms of lien; and amount of service charge. Indexed alph. by names of lienors and lienees. Hdw. 600 pp. 18 x 12 x 3. Recr. vt. 1.

105. MECHANICS' LIENS, 1908—. 42 pigeonholes.

Mechanics' liens against property to insure payment of cost for labor and material, left for recording and uncalled for, showing dates of lien, filing and release; names of lienor and lienee; location and description of property; and amount and term of lien. Arr. by dates of filing. Hdw. 5 x 5 x 15. Recr. off.

For prior records, see entry 112. For recording of mechanics' liens, 1832-52, see entry 85; 1853—, see entry 110.

106. FEDERAL TAX LIEN INDEX [FEDERAL TAX LIEN RECORD], 1925—. 1 vol. Last entry, June 30, 1931.

Record of liens to insure payment of federal taxes, showing dates of lien,

recording, and release; names of lienee; location of property; and amount and number of lien. Arr. alph. by names of lienees. Hdw. 162 pp. 14 x 8 x 1. Recr, vt. 1.

MILITARY RECORDS

(See also entries 69, 465)

107. ARMY DISCHARGE RECORD, 1919—. 4 vols. (1-4). 1864-1918, in Miscellaneous Records, entry 110.

Record of soldiers' discharges from military service, showing name, age, and service record of soldier; names of commanding officers and regiment; places and dates of enlistment and discharge; and date of recording. Indexed alph. by names of soldiers. Hdw. 640 pp. 18 x 12 x 3. Recr. vt. 1.

108. SOLDIERS DISCHARGED, 1918—. 1 file box.

Discharge papers of soldiers from military service, showing name, age, and description of soldier; dates of discharge and filing; name of camp where stationed; and volume and page reference to Army Discharge Record, entry 107. Arr. by dates of filing. Typed. 10 x 5 x 15. Recr. off.

BUSINESS ASSOCIATIONS

(See also entries 67, 68)

109. [CORPORATION PETITIONS], 1920—. 1 file box.

Petitions of corporations to increase the amount of capital stock, showing name of corporation; dates of filing, stockholders' meeting, and subscription; amounts of capital stock outstanding, increase requested, and total stock; and par value of stock. Arr. by dates of filing. Typed. 10 x 5 x 15. Recr. off.

For prior records, see entry 112.

MISCELLANEOUS RECORDS

110. MISCELLANEOUS RECORDS, 1853—. 61 vols. (A-Z, 27-61). 1832-52, in Deed Record, entry 85.

Transcripts of miscellaneous instruments including contracts, leases, articles of association and incorporation, rights-of-way, bills of sale, certificates of ordinances, agreements, liens, mechanics' liens, bankruptcy, easements, mortgage releases and continuances, affidavits, petitions, wills, promissory notes, powers of attorney, certificates of revocation, assignments, and resolutions, showing names of principals; date, kind, condition, and number of instrument; and dates of filing and recording. Also contains: Army Discharge Record, 1864-1918, entry 107. Arr. by dates of recordings. For index, see entry 111. 1853-July 1902, hdw.; Aug. 1902—, typed. 300 pp. 18 x 12 x 2. 31 vols., 1853-June 7, 1928, recr. bsmt. vt. 2, sec. D; 30 vols., June 8, 1928—, recr. vt. 1.

111. GENERAL INDEX TO MISCELLANEOUS RECORDS 1853—. 4 vols. Index to Miscellaneous Records, entry 110, showing nature of instrument, names of principals, and volume and page reference to recording. Arr. alph. by names of principals. Hdw. 600 pp. 18 x 13 x 3. 3 vols., 1853-Aug. 1928, recr. bsmt. vt. 2, sec. D; 1 vol., Sept. 1928—, recr. vt. 1.

112. MISCELLANEOUS [Instruments Recorded], 1836—. 38 pigeonholes, 2 file boxes.

Original and transcript copies of miscellaneous papers recorded including certificates, petitions, affidavits, bills of sale, mechanics' liens, contracts, powers of attorney, releases, assignments, agreements, election of trustees, petitions and certificates of increase of capital stock, indentures, articles of incorporation, dissolution of corporations, and decrees of partition, showing names of principals, date of recording, and kind of instrument. Arr. alph. by names of principals. 1836-1901, hdw.; 1902—, typed. Pigeonholes, 4 x 4 x 12; file boxes, 10 x 5 x 15. 38 pigeonholes, 1836-June 4, 1928, recr. bsmt. vt. 2, sec. B; 2 file boxes, June 6, 1928—, recr. off.

113. DECEDENTS OF ESTATE RECORD, 1891—. 2 vols.

Transcripts and photostatic copies of final reports and settlement of estates of deceased persons, showing names of decedent, heirs, appraiser, and administrator or executor; itemized list and valuation of estate; and action of court. For index, see entry 114. 1891-Mar. 1, 1898, hdw.; Mar. 24, 1898-Oct. 1935, typed; Dec. 1935—, photostat. 600 pp. 18 x 12 x 3. Recr. vt. 1.

114. INDEX TO DECEDENTS OF ESTATES, 1891—. 1 vol.

Index to Decedents of Estate Record, entry 113, showing name of decedent and volume and page reference to recording. Arr. alph. by names of decedents. Hdw. 100 pp. 18 x 12 x 1. Recr. vt. 1.

115. RECORD OF WILLS, 1899—. 4 vols. (1-4).

Transcripts and photostatic copies of last wills and testaments, showing names of testator, beneficiaries, and witnesses; description and location of property; amount of bequests; and date and provisions of will. Indexed alph. by names of testators. 1889-Apr. 1903, hwd.; July 1903-Sept. 18, 1934, typed; Sept. 19, 1934—, photostat. 640 pp. 18 x 12 x 3. Recr. vt. 1.

For prior records, see entry 110. For other will records, see entries 192, 193.

116. REGISTER OF FARM NAMES, 1913—. 1 vol.

Register of farm names assigned by owners for purpose of identifying farm and farm products, showing dates and time of filing and recording, location and description of land, and names of farm and owner. Indexed alph. by names of owners. Hdw. 250 pp. 9 x 12 x 1½. Recr. vt. 1.

117. REGISTER OF FARM NAMES, 1915—. 1 file box.

Original certificates of names assigned to farm by owners for purpose of identifying farms and farm products, showing names of farm and owner, dates of filing and recording, description and location of farm, and volume and page reference to Register of Farm Names, entry 116. Arr. by dates of filing. Hdw. 10 x 5 x 15. Recr. off.

118. INHERITANCE TAX RECEIPT RECORD, 1924—. 1 vol.

Record of inheritance tax payments, showing names of estates, heirs, and administrator or executor; description and valuation of property; amounts of estate, exemption, interest, and tax; dates of filing and

recording. Indexed alph. by names of estates and administrators or executors. Hdw. 300 pp. 10 x 9 x 1½. Recr. vt. 1.

For other inheritance tax records, see entries 206, 368, 390, 391, 471.

119. ARTICLES OF INCORPORATION, 1931—. 1 file box.

Original instruments of articles of incorporation, showing names of firm, owners, or officers; description, location and valuation of business; and dates of incorporation and filing. Arr. by dates of filing. Typed. 10 x 5 x 15. Recr. off.

For prior records, see entry 112.

120. AFFIDAVITS, 1933—. 1 file box.

Affidavits of payment of taxes on intangibles, showing date of filing, names of principal and affiant; and statement of affiant. Arr. alph. by names of affiants. Hdw. and typed. 10 x 5 x 15. Recr. off.

For prior records, see entry 112. For other intangible tax records, see entries 369, 401, 423.

121. CONTRACTS, 1935—. 2 file boxes.

Conditional sales contracts filed with recorder, showing dates of filing and contract; names and addresses of purchaser, company, and witnesses; and description of chattels. Arr. by dates of filing. Typed. 10 x 5 x 15. Recr. off.

For prior records, see entry 112.

122. ABSTRACT OF OLD AGE ASSISTANCE CERT[IFICATES], 1936—. 1 vol.

Abstracts of certificates of old-age assistance establishing liens against property of recipients, showing time of filing, date of certificate and application, name of recipient, and code, serial, and certificate numbers. Arr. alph. by names of recipients. Typed. 500 pp. 18 x 13 x 3. Recr. vt. 1.

123. OLD AGE ASSISTANCE, 1935—. 2 file boxes.

Certificates of old age assistance establishing liens against property of recipients to insure reimbursement of payments made, showing dates of certificate and recording; code, serial and certificate numbers; amount of award; and name and address of recipient. Arr. alph. by names of recipients. Typed. 10 x 5 x 15. Recr. off.

124. [NEW IMPROVEMENTS], 1915-24. 28 vols.

Record of new or additional improvements made on real property, showing name and address of owner; kind of improvement; location, description, and valuation of property and improvement; and volume and page reference to Plat Book, entry 93. Indexed alph. by names of owners. Hdw. 150 pp. 16 x 12 x 1. Recr. bsmt. vt. 2, sec. A.

125. RECORD OF INDENTURES, 1847-1905. 1 vol.

Record of agreements to assume obligations of children's care and education in return for services performed, showing names of apprentice, master, and parent or guardian; and date, term, and conditions of contract. Indexed alph. by names of apprentices and masters. Hdw. 600 pp. 18 x 12 x 3. Recr. vt. 1.

126. [STOCK MARKINGS], 1830-68. 1 vol.

Register of marks and brands for distinguishing livestock, showing date of recording, description of brand, and name and address of owner. Arr. alph. by names of owners. Hdw. 600 pp. 18 x 12 x 3. Recr. vt. 1.

FEE AND CASH RECORDS

127. RECORDER'S FEE AND CASH BOOK, 1895—. 47 vols. (9 vols. not numbered, 2-39). Title Varies: 1895-1909, Recorder's Cash Book. Record of fees collected for recording instruments and summary of cash received, showing date, amount, and source of receipt; name of payer; total receipts; amount paid county treasurer; balance on hand; and instrument number. Arr. by instrument nos. Hdw. 600 pp. 18 x 13 x 3. 41 vols., 1895-Jan. 27, 1935, recr. bsmt. vt. 2, sec. C; 6 vols., Jan. 29, 1935—, recr. vt. 1.

V. CIRCUIT COURT

The circuit court, re-established by the Constitution of 1851, consists of one judge and is vested with such jurisdiction as is prescribed by law. The judge is elected by the voters of the circuit for a six-year term.¹ At present, St. Joseph County constitutes the sixtieth circuit,² and the court is styled "St. Joseph Circuit Court."³

When organized in 1830, St. Joseph County was attached to the first circuit, which included nine other counties.⁴ It has formed a part of other circuits from time to time, as the judicial system was expanded and the circuits became smaller—in 1833 it was transferred to the eighth circuit;⁵ in 1836, to the ninth circuit;⁶ in 1873, to the thirty-second circuit⁷—until in 1897, the sixtieth circuit was created, embracing St. Joseph County only.⁸

Under the Constitution of 1816 and the Revised Laws of 1824, the court consisted of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.⁹

These Judges were commissioned by the governor of the state and held office for the term of seven years.¹⁰ Recess appointments were made by the governor when the general assembly was not in session.¹¹ The president alone, in the absence of the associate judge, or any two judges—the president and one associate judge or two associate judges, in the absence of the president—were competent to hold a court; but the presence of the president was required in capital cases and cases in chancery.¹² The court's first recorded session was held in October, 1832, although juries were drawn both in 1830 and 1831.¹³ The court has general civil and criminal jurisdiction, except in probate matters.¹⁴

¹ Const., art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395.

² Acts 1901; Burns 4-332; Baldwin, 1935 suppl., 1415-1.

³ Acts 1881 (Spec. Sess.); Burns 4-302; Baldwin 1396.

⁴ Acts 1829-30, ch. 23, sec. 15; ch. 28, sec. 1.

⁵ Acts 1832-33, ch. 3, sec. 1.

⁶ Acts 1836-37 (general), ch. 8, sec. 2.

⁷ Acts 1873, ch. 29, sec. 33.

⁸ Acts 1897, ch. 13, sec. 2.

⁹ Const. 1816, art. 5, secs. 3, 7. Rev. Laws 1824, ch. 24, sec. 2.

¹⁰ Const. 1816, art. 5, sec. 4; art. 11, sec. 9.

¹¹ *Ibid.*, art. 4, sec. 9.

¹² *Ibid.*, art. 5, sec. 3.

¹³ Rev. Laws 1831, ch. 23, sec. 2. Acts 1831-1832, ch. 157, sec. 1. Commissioners' Record, 1:4, 5, 11. Timothy Edward Howard, *A History of St. Joseph County*, 1:190.

¹⁴ Rev. Laws 1824, ch. 24, secs. 1, 4. Acts 1828-29, ch. 26, secs. 1, 2.

The probate court of St. Joseph County was established, in accordance with an act of 1829, with original and exclusive jurisdiction in all probate matters. One judge was elected in each county and held office for a seven-year term.¹⁵ This court was abolished in 1852.¹⁶

The court of common pleas was created by an act, approved May 14, 1852, and consisted of one judge, elected by the voters of the common pleas district for a four-year term. This court had original and exclusive jurisdiction in all probate matters, except in certain instances in which concurrent jurisdiction was given to the circuit court or to some other court. It had concurrent jurisdiction with the circuit court in all civil causes, where the amount in controversy ranged from fifty to one thousand dollars, except in causes of slander, libel, breach of marriage contract, action on an official bond, or where the title of real estate was in issue, and in certain other civil causes. It had original jurisdiction in criminal causes not amounting to felony, except those over which justices of the peace had exclusive jurisdiction; in felony causes not punishable by death, providing the accused voluntarily agreed to trial; and jurisdiction in any criminal cause upon change of venue from the circuit court.¹⁷ It was abolished in 1873 and its jurisdiction transferred to the circuit court.¹⁸

The constitution authorizes tribunals of conciliation to administer justice without resort to a court.¹⁹ Accordingly, in 1852, the general assembly established the court of conciliation, to be held by the judge of common pleas to determine every controversy submitted to it according to conscience and right without regard to technical rules. Hearings were private and informal and consisted of efforts to effect a conciliation between the parties without trial. This court's jurisdiction covered slander, libel, assault and battery, and false imprisonment. The judge was required to keep a book of record containing a memorandum of proceedings and the judgment.²⁰ Slander and libel were specifically excepted from the jurisdiction of the court of common pleas, and if no compromise was effected in the court of conciliation, the cause was taken to the circuit court.²¹ The court proved unsuccessful as a means of preventing litigation in minor causes and was abolished in 1865. No provision for transfer of causes was made as no causes were pending.²²

The superior court was created in 1907 to relieve the congested docket of the circuit court, and has original, appellate, and concurrent jurisdiction with the circuit court.²³ A second superior court was created in 1921.²⁴

¹⁵ Acts 1828-29, ch. 26, secs. 1, 2.

¹⁶ 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

¹⁷ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1-4, 11, 12, 14, 17.

¹⁸ Acts 1873; Burns 4-328; Baldwin 1417.

¹⁹ Const., art. 7, sec. 19.

²⁰ 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20.

²¹ 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5.

²² Acts 1865 (Spec. Sess.), ch. 57, secs. 1, 2.

²³ Acts 1907; Burns 4-1701, 4-1709; Baldwin 1624, 1625.

²⁴ Acts 1921; Burns 4-1801, 4-1803; Baldwin 1658, 1660.

The circuit court has original concurrent jurisdiction with the superior court in all cases at law and in equity and in criminal cases and actions for divorce, except where exclusive or concurrent jurisdiction is or may be conferred on justices of the peace; exclusive jurisdiction of the settlement of decedents' estates and of guardianships, except so far as jurisdiction thereof is not vested in the superior courts; such appellate jurisdiction as may be conferred by law, and jurisdiction of all other causes, matters, and proceedings not belonging to some other court, board, or officer.²⁵ It is the court's duty to appoint the county assessor as inheritance tax appraiser.²⁶

The court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;²⁷ and to adopt rules for conducting its business.²⁸

The circuit court has jurisdiction in all matters relating to children, including juvenile delinquents, truants, neglected and dependent children petitioned for by the boards of children's guardians, and in all cases affecting the custody of and legal punishment of children. When in such session, it is known, for convenience, as the "Juvenile Court."²⁹ The judge appoints any practicing attorney of the county to act as juvenile referee, who serves until further order from the court.³⁰

The chief officers of the court are the sheriff, the prosecuting attorney, and the clerk of the circuit court. The sheriff attends upon the court and serves all process directed to him therefrom.³¹ The prosecuting attorney prosecutes the pleas of the state in the court.³² The clerk of the circuit court draws up each day's proceedings at full length in the proper order book which is signed by the circuit judge.³³ All causes are filed and entered in the office of the clerk of the circuit court, and numbered in consecutive order as filed.³⁴ The clerk is also charged by statute with the duty of keeping and preserving the official records of the court,³⁵ including the record of the proceedings of the juvenile court.³⁶

The records are located in the courthouse.

CIVIL AND CRIMINAL CAUSES

ENTRY OF CAUSES

128. ENTRY DOCKET, ISSUE DOCKET, AND FEE BOOK [Civil], 1913—122 vols. (39-61, 100-198).

Record of actions and fees in civil causes in circuit court, 1913-May 1927;

²⁵ 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1907; Burns 4-1709; Baldwin 1625. Acts 1921; Burns 4-1803; Baldwin 1660.

²⁶ Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

²⁷ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

²⁸ 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

²⁹ Acts 1903, 1913, 1931, 1935, 1937; Burns, 1938 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

³⁰ Acts 1923, 1925; Burns 9-2825; Baldwin 1773.

³¹ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

³² 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

³³ 2 Rev. Stat. 1852; Acts 1885, 1933; Burns 4-324; Baldwin 1413.

³⁴ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158.

³⁵ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁶ Acts 1903, 1913, 1931, 1935, 1937; Burns, 1938 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

circuit and superior courts, June 1927—, showing date of filing; cause number; names of plaintiff, defendant, and attorneys; nature of action; and amount of fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. 23 vols., 1913-May 21, 1927, clk. bsmt. vt. 3, sec. C; 45 vols., May 28, 1927-July 21, 1931, clk. vt. 1; 54 vols., July 22, 1931—, clk. off.

For prior entry docket, see entry 129; issue docket, see entry 150; fee book, see entry 237.

For prior superior court records, see entries 240, 291.

129. ENTRY DOCKET [Civil], 1879-June 1913. 8 vols. (1-8).

Record of filing of causes in civil actions, showing cause number; dates of filing, issuance of process, and sheriff's return; names of plaintiff, defendant, and attorneys; and nature and amount of judgment. Indexed alph. by names of plaintiffs and defendants. 1879-Feb. 4, 1903, hdw.; Feb. 6, 1903-13, typed. 600 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. E.

For subsequent records, see entry 128.

130. CRIMINAL ENTRY DOCKET, 1895—. 14 vols. (1-8, 10-15).

Record of filing of actions, issuance of writs, and fees charged in criminal causes in circuit court, 1895-May 1927; in circuit and superior courts, June 1927—, showing cause number; date of filing, names of plaintiff, defendant, and attorneys; nature of cause; disposition; and amounts of fees and costs. Indexed alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 13 x 2½. 7 vols., 1895-May 27, 1917, Sept. 20, 1921-May 26, 1927, clk. bsmt. vt. 3, sec. E; 7 vols., May 28, 1917-Sept. 19, 1921, June 1927—, clk. off.

For prior superior court records, see entries 242, 292.

131. BAR DOCKET, 1859-66. 10 vols.

Record of filing of causes in civil and criminal actions, showing term of court; names of plaintiff, defendant, and attorneys; and nature of action. Arr. by court terms. Hdw. Condition fair. 150 pp. 14 x 9 x 1. Clk. bsmt. vt. 4, sec. A.

ORIGINAL DOCUMENTS

132. CIVIL [Pending], 1914—. 57 file boxes.

Original documents in civil causes pending, including complaints, demurrers, writs, orders, summons, and subpoenas, showing cause number; nature of action; names of plaintiff, defendant, attorneys, and witnesses; and proceedings. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Cir. ct. rm.

133. CIRCUIT COURT [Civil Causes Disposed of], 1832—. 367 bdl., 737 file boxes. (Numbering varies).

Documents filed in civil actions disposed of, including complaints, demurrers, writs, orders, summons, and subpoenas, showing date of filing; cause, bundle, and box numbers; names of plaintiff and defendant; nature of action; and disposition of cause. Arr. by bdl. and file box nos. For index, see entry 134. 1832-1901, hdw.; 1902—, hdw. and typed. Bdl., 9 x 4 x 14; file boxes, 10 x 5 x 15. 277 bdl., 439 file boxes, 1832-May 1895, Aug. 10, 1904-Sept. 9, 1924, clk. bsmt. vt. 4, secs. C, D; 95 file boxes, 90 bdl., Oct. 1895-Aug. 8, 1904, Sept. 12, 1924-Sept. 8, 1931, clk. bsmt. vt. 3, sec. C; 203 file boxes, Sept. 10, 1931—, clk. vt. 2.

134. GENERAL INDEX CIVIL, 1832—. 17 vols. (1-11, 15-20). 2 duplicate vols., 1847-78.

Index to Circuit Court [Civil Causes Disposed of], 1832—, entry 133; Civil Cases [Disposed of, Superior Court No. 1], June 1927—, entry 244; Civil Cases [Disposed of, Superior Court No. 2], June 1927—, entry 294; showing date of filing; cause and bundle or file box numbers; names of plaintiff and defendant; term of court; and volume and page reference to Civil [and Criminal] Order Book, entry 154. Arr. alph. by names of plaintiffs and defendants. Hdw. 540 pp. 18 x 12 x 2. 9 vols., 1832-Sept. 3, 1914, clk. vt. 2; 2 vols., 1847-79, clk. bsmt. vt. 4, sec. A; 8 vols., Sept. 6, 1914—, clk. off.

For prior superior court records, see entries 245, 295.

135. CRIMINAL CASES [Pending], 1930—. 2 file boxes.

Documents filed in criminal actions pending, including complaints, affidavits, writs, summons, subpoenas, orders, and commitments, showing date of filing; cause number; nature of action; names of defendant, attorneys, and witnesses; court proceedings; and amounts of fees and cost. Arr. alph. by names of defendants. Hdw. and typed. 10 x 5 x 15. Cir. ct. rm.

136. CRIMINAL CASES [Disposed of, Circuit Court], 1832—. 100 bds., 20 file boxes.

Documents filed in criminal actions, including complaints, affidavits, writs, summons, subpoenas, orders, and commitments, showing cause, bundle, and file box numbers; names of defendant and attorney; amounts of fees and costs; and volume and page reference to Criminal Entry Docket, 1895—, entry 130. Arr. by bdl. and file box nos. 1832-1901, hdw.; 1902—, hdw. and typed. Bds., 9 x 4 x 14; file boxes, 10 x 5 x 15. 100 bds., 1832-Mar. 18, 1930, clk. bsmt. vt. 4, sec. D; 20 file boxes, Mar. 20, 1930—, clk. vt. 2.

137. GENERAL INDEX CRIMINAL CAUSES [Disposed of, Circuit Court], 1832—. 2 vols.

General index to Criminal Causes [Disposed of, Circuit Court], entry 136; Criminal Cases [Disposed of, Superior Court No. 1], 1927—, entry 247; Criminal Cases [Disposed of, Superior Court No. 2], 1927-35, entry 297; showing names of plaintiff, defendant, and court; cause and file box numbers; and volume and page reference to Civil [and Criminal] Order Book, entry 154. Arr. alph. by names of defendants. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

For prior superior court records, see entries 248, 298.

138. EX PARTE, 1927—. 1 file box.

Documents filed in ex parte actions pending, showing date of filing; cause number; nature of action; names of plaintiff, defendant, and attorneys; and court proceedings. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Cir. ct. rm.

139. STATE EX REL, 1929—. 2 file boxes.

Documents filed in state ex rel actions pending, showing date of filing, cause number, nature of action, names of plaintiff and defendant, and court proceedings. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Cir. ct. rm.

CRIMINAL AFFIDAVITS AND INDICTMENTS

140. RECORD OF INDICTMENT, 1853—. 10 vols. (1 vol. not numbered, 2-10).

Transcripts of indictments returned by grand jury in circuit court, 1853-Aug. 17, 1923; in circuit and superior courts, Sept. 1923—, showing date of filing, cause number; names of defendant, witnesses, prosecuting attorney, and foreman of the grand jury; nature of indictment; and amount of bond. Indexed alph. by names of defendants. 1853-Nov. 19, 1902, hdw.; Nov. 20, 1902—, typed. 600 pp. 18 x 12 x 3, 6 vols., 1853-Sept. 1914, clk. bsmt. vt. 3, sec. A; 1 vol., Nov. 1914-Sept. 19, 1924, clk. bsmt. vt. 3, sec. C; 3 vols., Sept. 25, 1924—, clk. order bk. rm.

For prior superior court records, see entries 249, 299.

BONDS

(See also entry 38.)

141. RECOGNIZANCE ORDER BOOK, 1898—. 7 vols. (41-43, 1-4).

Transcripts of bonds posted to insure appearance of defendants in circuit court, 1898—; in Superior Court No. 1, Dec. 1927—; Superior Court No. 2, June 1927—; showing dates of bond and appearance; names of defendant, witnesses, and sureties; nature of charge; and amount and conditions of bond. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 12 x 2½. 3 vols., 1898-Nov. 1927, clk. bsmt. vt. 3, sec. C; 4 vols., Dec. 1927—, clk. vt. 1.

For prior superior court records, see entries 250, 300.

142. MISCELLANEOUS BONDS, 1926—. 5 bdls., 19 file boxes.

Original appeal, cost, and recognizance bonds posted to insure cost of causes appealed and appearance of defendants in court, showing date of filing; cause number; names of court, principal, and sureties; date, amount, and conditions of bond; and nature of affidavit and charge. Arr. by dates of filing. Hdw. and typed. Bdls., 9 x 4 x 14; file boxes, 10 x 5 x 15. 5 bdls., 1926-Aug. 1, 1935, clk. bsmt. vt. 3, sec. E; 19 file boxes, Aug. 2, 1935—, clk. vt. 1.

143. APPEAL BOND RECORD, 1922-27. 1 vol.

Transcripts of bonds posted to insure payment of court costs in causes appealed to higher courts, showing dates and amounts of bond and judgment; names of court, principal, and sureties; and nature of action. Indexed alph. by names of principals. Hdw. 300 pp. 18 x 12 x 2. Clk. bsmt. vt. 3, sec. C.

For prior and subsequent records, see entry 38.

144. COST BOND RECORD, 1895-Mar. 1924. 1 vol.

Transcripts of bonds posted to insure payment of court costs, showing date, amount, and conditions of bond; cause number; and names of plaintiff, defendant, and sureties. Indexed alph. by names of plaintiffs and defendants. Hdw. 400 pp. 18 x 12 x 2½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 38.

MINUTES

145. [JUDGE'S DOCKET CIVIL CAUSES DISPOSED OF], 1911—. 39 vols. (1-9, and 30 vols. not numbered).

Judge's minutes of court proceedings in disposed of civil causes in circuit

court, 1911-May 1927; in circuit and superior courts, June 1927—, showing dates of filing and trial; cause number; names of plaintiff, defendant, and attorney; title of action; nature of disposition; and volume and page reference to Civil [and Criminal] Order Book, entry 154. Arr. by cause nos. 1911-May 1927, hdw.; June 1927—, hdw. and typed. 800 pp. 12 x 12 x 6. Clk. vt. 1.

For prior records, see entry 149.

For prior superior court records, see entries 256, 308.

146. JUDGE'S DOCKET [CIVIL AND CRIMINAL CAUSES PENDING], 1914—, 2 vols.

Judge's minutes of actions, proceedings, and court rulings in pending civil and criminal causes, showing nature and number of cause; dates of filing and action; names of plaintiff, defendant, and attorneys; and disposition of cause. Arr. by cause nos. For index, see entry 147. Hdw. and typed. 2500 pp. 12 x 12 x 9. Cir. ct. rm.

147. BAR DOCKET [INDEX TO PENDING CIVIL AND CRIMINAL CAUSES], 1914—, 1 vol.

Index to Judge's Docket [Civil and Criminal Causes Pending], entry 146, showing names of plaintiff and defendant and cause number. Arr. alph. by names of plaintiffs and defendants. Hdw. 80 pp. 12 x 10 x 1. Cir. ct. rm.

148. [JUDGE'S DOCKET OF CRIMINAL CAUSES DISPOSED OF], 1911—. 6 vols.

Judge's minutes of court proceedings in disposed of criminal causes in circuit court, 1911-May 1927; in circuit and superior courts, June 1927—, showing cause number, dates of filing and trial; names of plaintiff, defendant, and attorneys; nature of action; minutes of court; disposition of cause; and volume and page reference to Civil [and Criminal] Order Book, entry 154. Arr. by cause nos. Typed. 800 pp. 12 x 12 x 6. Clk. vt. 1.

For prior records, see entry 149.

For prior superior court records, see entries 257, 309.

149. CIVIL DOCKET [DISPOSED OF CIVIL AND CRIMINAL CAUSES], 1858-May 1911. 148 vols. (numbering varies).

Judge's minutes of court proceedings in disposed of civil and criminal causes, showing dates of filing and trial; cause number; names of plaintiff, defendant, and attorneys; nature of action; minutes of court; and disposition of cause. Indexed alph. by names of plaintiffs and defendants. 1858-May, 1901, hdw.; Sept. 1901-11, hdw. and typed. 300 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 145, 148.

150. ISSUE DOCKET [CIVIL AND CRIMINAL], 1849-Sept. 1909. 135 vols. (2-6, and 130 vols. not numbered). Title varies: 1849-65, Clerk's Docket.

Record of filing of actions in criminal causes and minutes and rulings in civil and criminal actions, showing date of issue; cause number; names of plaintiff, defendant, and attorneys; court proceedings; amount and nature of fees; and disposition of cause. Indexed alph. by names of plaintiffs and defendants. Hdw. 200 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

151. JUDGE'S DOCKET COMMON PLEAS COURT, 1853-June 5, 1875. 6 vols. (2 vols. not numbered, A, A, 3, 4). Title varies: Court Docket.

Judge's minutes of actions and proceedings in civil and criminal causes, showing dates of filing and trial; cause number; names of plaintiff, defendant, and attorneys; minutes of court; and disposition of causes. Arr. by cause nos. 500 pp. 18 x 13 x 3. Clk. bsmt. vt. 4, sec. A.

152. ISSUE DOCKET [COMMON PLEAS COURT], 1858-May 10, 1873. 3 vols. (1 vol. not numbered, 2, 3). Title varies: Clerk's Docket.

Minutes of proceedings of common pleas court in civil and criminal actions, showing cause number; date of action; and names of plaintiff, defendant, and attorneys; and disposition. Arr. by cause nos. For index, see entry 153. Hdw. 350 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

153. GENERAL INDEX [COMMON PLEAS COURT], 1859-Jan. 1873. 1 vol. Partial index to Issue Docket [Common Pleas Court], entry 152; Civil Order Book [Common Pleas], entry 157; and Complete Record [Civil] Common Pleas, entry 178; showing date and nature of action, names of plaintiff and defendant, disposition of cause, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 400 pp. 18 x 12 x 2½. Clk. bsmt. vt. 3, sec. C.

ORDERS

154. CIVIL [AND CRIMINAL] ORDER BOOK, 1832—. 77 vols. (1-31, 33-35, 37, 39-80).

Transcripts of all actions and proceedings in civil and criminal causes, showing cause number, date and nature of action, names of plaintiff and defendant, and degree of court. Indexed alph. by names of plaintiffs and defendants. 1832-Aug. 1899, hdw.; Sept. 1899—, typed. 600 pp. 18 x 12 x 3. 73 vols., 1832-Nov. 1935, clk. vt. 2; 4 vols., Dec. 1935—, clk. off.

155. MISCELLANEOUS ORDER BOOK, 1889—. 10 vols. (27, 32, 36, 41-47). Title varies: Transcript and Miscellaneous Order Book.

Transcripts of all actions and proceedings in miscellaneous court causes, showing cause number; date of action; names of plaintiff, defendant, and attorneys; nature of proceedings; amounts of fees and costs; and disposition. Arr. alph. by names of plaintiffs and defendants. 1889-Feb. 1899, hdw.; Mar. 1899-July 1928, typed; Aug. 1928—, photostat. 500 pp. 18 x 12 x 3. Clk. vt. 2.

156. PARTITION RECORD, 1854-Apr. 4, 1892. 2 vols. (1, 2).

Transcripts of court decrees and proceedings in partition actions, showing dates of filing and decree, cause number, names of principals, location and description of property, amounts of fees and costs, and final settlement. Arr. by dates of decrees. Hdw. 400 pp. 18 x 12 x 2½. Clk. vt. 2.

For subsequent records, see entry 155.

157. CIVIL ORDER BOOK [COMMON PLEAS], 1853-Jan. 28, 1873. 9 vols., (1-4, 7-9, and 2 vols. not numbered).

Transcripts of all actions and proceedings in civil and criminal actions, showing cause number; date of actions; names of plaintiff, defendant,

and attorneys; nature of proceedings; and disposition. Indexed alph. by names of plaintiffs and defendant; for separate index, see entry 153. Hdw. 600 pp. 18 x 14 x 3. Clk. vt. 2.

JUDGMENTS

158. JUDGMENT DOCKET [CIRCUIT COURT], 1838—. 38 vols. (2-21, 25-42).

Record of judgments rendered in civil and criminal causes in circuit court, 1838-May 1927; in circuit and superior courts, June 1927—, showing dates of judgment and satisfaction; cause number; names of plaintiff, defendant, and attorneys; nature and amounts of judgment and costs; and volume and page reference to Entry Docket, Issue Docket, and Fee Book [Civil], entry 128; Civil [and Criminal] Order Book, entry 154; Execution Docket, entry 163. Indexed alph. by names of plaintiffs and defendants; for separate index, 1862—, see entry 159. 1938-Mar. 11, 1907, hdw.; Mar. 19, 1907—, typed. 600 pp. 18 x 13 x 3. 17 vols., 1838-Nov. 25, 1916, clk. bsmt. vt. 3, sec. C; 6 vols., Nov. 26, 1916-June 10, 1929, clk. vt. 2; 15 vols., June 11, 1929—, clk. off.

For prior superior court records, see entries 260, 311.

159. GENERAL INDEX JUDGMENTS [CIRCUIT COURT], 1862—. 9 vols. (1, 2, 1-7).

Partial index to Judgment Docket [Circuit Court], entry 158; Judgment Docket [Superior Court No. 1], June 1927—, entry 260; Judgment Docket [Superior Court No. 2], June 1927—, entry 311; showing date of judgment, names of plaintiff and defendant, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 13 x 2. 2 vols., 1862-74, clk. bsmt. vt. 4, sec. A; 3 vols., 1875-Mar. 1927, clk. vt. 2; 4 vols., June 1927—, clk. off.

For prior superior court records, see entries 261, 312.

160. PROBATION DOCKET, 1927—. 2 vols. (1, 2).

Record of payments of fines and costs in probation causes, showing date and amount of payment; cause number; names of court, defendant, and payer; and volume and page reference to Civil [and Criminal] Order Book, entries 154, 259, 310. Indexed alph. by names of defendants. Hdw. 400 pp. 16 x 12 x 2. Clk. off.

161. STATEMENT OF JUDGMENTS, 1929—. 4 vols.

Original statements of judgments rendered by courts, showing names of court, plaintiff, and defendant; cause number; date and amount of judgment; rate of interest; and volume and page reference to Judgment Docket, entry 158, Judgment Docket, entry 260, Judgment Docket, entry 311. Indexed alph. by names of plaintiffs and defendants. Hdw. and typed. 400 pp. 8 x 11 x 5. Clk. vt. 1.

162. JUDGMENT DOCKET COMMON PLEAS COURT, 1853-73. 3 vols. (1-3).

Record of judgments rendered by common pleas court in civil and criminal cause, showing dates of judgment and satisfaction; nature and amounts of judgment and costs; names of plaintiff, defendant, and attorneys and volume and page reference to Civil Order Book [Common Pleas], entry 157; Fee Book [Common Pleas Court], entry 239 Indexed

alph. by names of plaintiffs and defendants. Hdw. 450 pp. 18 x 12 x 2½. Clk. bsmt. vt. 3, sec. C.

EXECUTIONS

(See also entries 339-342)

163. EXECUTION DOCKET, 1833—. 13 vols. (1-3).

Transcripts of writs for execution issued by court to sheriff to attach or levy against property to satisfy judgments in circuit court, 1833-Nov. 21, 1928; in circuit and superior courts, Nov. 22, 1928—, showing dates of writs and judgments; cause number; names of plaintiff, defendant, and judgment debtor; amounts of judgment and costs; and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 13 x 2½. 11 vols., 1833-Mar. 2, 1899, Nov. 23, 1928—, clk. vt. 2; 2 vols., Mar. 14, 1899-Nov. 13, 1928, clk. bsmt. vt. 3, sec. C.

For prior superior court records, see entries 262, 313.

164. EXECUTIONS 1868—. 20 file boxes.

Original writs issued by court to sheriff to attach or levy against property to satisfy judgments in circuit court, 1868—; in Superior Court No. 1, Dec. 20, 1930—; in Superior Court No. 2, Mar. 1929—, showing date of writ; cause number; names of plaintiff and defendant; amounts of judgment, interest, fees, and total cost; sheriff's return; and volume and page reference to Execution Docket, entry 163. Arr. by cause nos. 1868-98, hdw.; 1899—, typed. 10 x 5 x 15. 11 file boxes, 1868-Mar. 29, 1924, Mar. 23, 1934—, clk. vt. 1; 9 file boxes, Mar. 31, 1924-Mar. 22, 1934, clk. bsmt. vt. 3, sec. D.

For prior superior court records, see entries 263, 314.

165. PRAECIPE OF EXECUTIONS, 1864—. 9 vols. (2, 4 vols. not numbered, 4-7).

Record of orders issued by plaintiff or attorneys of record to clerk to prepare or issue to sheriff writs for execution of court decrees or to prepare transcripts for appeals to other courts in circuit court, 1864-1925; in circuit and superior courts, 1926—, showing date and nature of order; cause number; and names of plaintiffs, defendant, and attorneys. Arr. by dates of orders. Hdw. 250 pp. 16 x 10 x 2. 3 vols., 1864-Mar. 1877, Jan. 15, 1928-Jan. 1, 1933, clk. bsmt. vt. 3, sec. C; 4 vols., Apr. 1877-Jan. 3, 1910, May 20, 1925-Jan. 10, 1928, Jan. 6, 1933-Jan. 1935, clk. bsmt. vt. 4, sec. A; 1 vol., Jan. 15, 1910-May 15, 1925, clk. order bk. rm.; 1 vol., Feb. 1935—, clk. off.

For prior superior court records, see entries 265, 315.

166. ORDER OF SALES, 1868—. 130 file boxes.

Orders to sheriff to sell property to satisfy judgments, proofs of publication, and sheriff's certificates of sale in circuit court, 1868—; Superior Court No. 1, Feb. 3, 1929—; Superior Court No. 2, June 7, 1932—; showing cause number; dates of judgment, order, publication, and sale; names of plaintiff, defendant, attorneys, and purchaser; amounts of judgment, fees, cost, and sale; sheriff's return; and volume and page reference to Execution Docket, entry 163. Arr. by cause nos. 1868-98, hdw.; 1899—, typed. 10 x 5 x 15. Clk. vt. 1.

For prior superior court records, see entries 268, 317.

167. EXECUTION DOCKET ORDER OF SALES, 1887—. 6 vols. (1-6).

Transcripts of orders for sale of property to satisfy judgments in circuit court, 1887-Jan 16, 1932; in circuit and superior courts, Jan. 17, 1932—, showing dates of order, judgment, and sale; certificate of sale number; names of plaintiff, defendant, and purchaser; amounts of judgment, interest, cost, and sale; location and description of property; and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 12 x 2½. 2 vols., 1887-Jan. 14, 1932, clk. vt. 2; 4 vols., Jan. 20, 1932—, clk. off.

For prior superior court records, see entries 264, 316.

168. EXECUTION DOCKET, COMMON PLEAS COURT, 1853-Mar. 26, 1873.
2 vols. (1, 2).

Transcripts of writs for execution issued by court to sheriff to attach or levy against property to satisfy judgments, showing dates of writ and judgment; cause and writ numbers; nature of writ; names of plaintiff, defendant, and judgment debtor; amounts of judgment, interest, and cost; and officer's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2. Clk. vt. 2.

169. EXECUTION [COMMON PLEAS COURT], 1860-72. 1 file box.
Original writs issued by court to sheriff to attach or levy against property to satisfy judgments, showing date of writ; cause number; names of plaintiff and defendant; amounts of judgment, interest, fees, and total costs; sheriff's return; and volume and page reference to Execution Docket, entry 168. Arr. by cause nos. Hdw. 10 x 5 x 15. Clk. vt. 1.

170 PRAECIPE OF EXECUTIONS [COMMON PLEAS COURT], 1860-Aug. 1864. 1 vol.

Record of orders issued by plaintiff or attorneys of record to clerk to prepare or issue to sheriff writs for execution of court decrees of common pleas court, showing cause number; date of order; nature of action; and names of plaintiff, defendant, and attorneys. Arr. by dates of orders. Hdw. 250 pp. 9 x 10 x 1½. Clk. bsmt. vt. 4, sec. A.

171. ORDERS OF SALES [COMMON PLEAS COURT], 1866-72. 1 file box.
Orders to sheriff to sell property to satisfy judgments, proofs of publication, and sheriff's certificates of sale, showing cause number; dates of judgment, order, publication, and sale; names of plaintiff, defendant, attorneys, and purchaser; location and description of real estate; amounts of judgment, fees, and costs; and volume and page reference to Judgment Docket, entry 162. Arr. by order nos. Hdw. 10 x 5 x 15. Clk. vt. 1.

172. LIS PENDENS RECORD [COMPLAINTS], 1877—. 1 vol.

Record of complaints filed against owners of property which may be subject to levy for satisfaction of judgment, showing cause number; date of filing; nature of complaint; names of plaintiff, defendant, and attorneys; and location and description of property. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 13 x 2½. Clk. vt. 2.

173. LIS PENDENS [SHERIFF'S NOTICES], 1878—. 1 vol.

Record of sheriff's notices of attachment of property, showing cause

number; date of notice; names of plaintiff, defendant, and sheriff; and description of property. Indexed alph. by names of plaintiffs and defendants. Hdw. 350 pp. 18 x 13 x 2. Clk. vt. 2.

174. LIS PENDENS, SHERIFF'S CERTIFICATES, 1875—. 14 vols. (A-C, 2-12).

Transcripts of sale certificates issued to purchasers of property sold to satisfy judgments in circuit court, 1875—; in Superior Court No. 1, Jan. 8, 1928—; in Superior Court No. 2, Dec. 4, 1927—; showing cause number; names of plaintiff, defendant, sheriff, and purchaser; dates of judgment and sale; amounts of judgment, interest, costs, and sale; location and description of property; and volume and page reference to Redemption Record, entry 176. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. 8 vols., 1875-Aug. 1934, clk. vt. 2; 6 vols., Sept. 1934—, clk. off.

For prior superior court records, see entries 269, 320.

175. REDEMPTION RECORD STATEMENTS AND AFFIDAVITS, 1879—. 1 vol.

Record of statements and affidavits of right to redeem property sold to satisfy judgments, showing dates of affidavit and statement; cause number; names of plaintiff, defendant, and redeemer; location and description of property; and volume and page reference to Execution Docket Order of Sales, entry 167. Indexed alph. by names of plaintiffs and defendants. 1879-1935, hdw.; 1936—, typed. 300 pp. 18 x 12 x 2½. Clk. vt. 2.

176. REDEMPTION RECORD, 1879—. 1 vol.

Record of certificates of redemption of property sold to satisfy judgments, showing dates of sale and redemption; names of plaintiff, defendant, and redeemer; location and description of property; and volume and page reference to Execution Docket Order of Sales, entry 167. Indexed alph. by names of plaintiffs and defendants. 1879-1935, hdw.; 1936—, typed. 400 pp. 18 x 12 x 2. Clk. vt. 2.

COMPLETE TRANSCRIPTS

177. COMPLETE RECORD CIVIL, 1832-1915. 32 vols. (1-32). Title varies: 1832-37, Record Book.

Complete transcript of all actions and proceedings in civil causes, showing cause number; date and nature of action; names of plaintiff, defendant, and attorneys; and proceedings and decree of court. Indexed alph. by names of plaintiffs and defendants. 1832-May 8, 1899, hdw.; May 9, 1899-1915, typed. 550 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. C.

For subsequent records, see entry 154.

178. COMPLETE RECORD [CIVIL] COMMON PLEAS, 1853-73. 4 vols. (1-4).

Complete transcript of all actions and proceedings in civil causes, showing cause number; date and nature of action; names of plaintiff, defendant, and attorneys; proceedings and decree of court; and amount of fines and costs. Indexed alph. by names of plaintiffs and defendants; for separate index, see entry 153. Hdw. 600 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. C.

INSANITY CAUSES

179. INSANITY INQUESTS, 1858—. 16 bdl. (1-16), 44 file boxes (17-60).

Documents filed in sanity causes, including statements of medical examiners and witnesses, judge's orders of commitments, and sheriff's returns, showing dates of inquest, commitment, and discharge; name, age, sex, color, mental condition, and family history of patient; names of physician and witnesses; cause number; and amount of fees. Arr. by cause nos. Hdw. Bdl., 9 x 4 x 14; file boxes, 10 x 5 x 15. 16 bdl., 1849-Oct. 1906, clk. bsmt. vt. 4, sec. D; 44 file boxes, Nov. 1906—, clk. vt. 1.

180. INSANE RECORD, 1852-95. 5 vols. (1-5).

Transcripts of actions and proceedings in sanity, epileptic, and feeble-minded causes, showing cause number; dates of action, medical examiner's report, commitment, and sheriff's return; names of patients, medical examiners, and witnesses; age, sex, color, mental condition, and family history of patient; and date of discharge or death. Indexed alph. by names of patients. Hdw. 250 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entries 154.

NATURALIZATION CAUSES

181. NATURALIZATION RECORDS, 1856—. 47 vols. (1-8, 1-39). Title varies. Declaration of Intention.

Record of aliens' declarations of intention to become naturalized citizens, showing name, place and date of birth, personal description, nationality, date of arrival, port of entry, and oath of allegiance of alien; and affidavits of alien and witnesses. Indexed alph. by names of aliens; for separate index, 1898—, see entry 183. 1856-Feb. 26, 1927, hdw.; Feb. 28, 1927—, typed. 400 pp. 14 x 10 x 2½. Clk. vt. 2.

182. PETITION AND RECORD, 1856—. 36 vols. (1, 2, 1-34). Title varies: Record of Final Oath, Naturalization Record.

Record of petitions for second naturalization papers including petitioner's declaration of intention, petition for naturalization, and oath of allegiance, showing numbers of petition and certificate; names and affidavits of petitioner and witnesses; name, address, personal description, date and place of birth, family history, date and place of arrival, and oath of allegiance of petitioner; and dates petition granted, denied, or continued. Indexed alph. by names of petitioners; for separate index, 1898—, see entry 183. 1856-Jan. 18, 1927, hdw.; Jan. 19, 1927—, typed. 500 pp. 18 x 12 x 2½. Clk. vt. 2.

183. GENERAL INDEX NATURALIZATION, 1898—. 4 vols. (1-4).

Partial index to Naturalization Records, entry 181, and Petition and Record, entry 182, showing name of alien and volume and page reference to recording. Arr. alph. by names of aliens. Hdw. 540 pp. 18 x 12 x 3. Clk. vt. 2.

184. CERTIFICATE OF NATURALIZATION [RECEIPTS], 1907—. 77 vols. Original certificates of receipt of naturalization papers by aliens, showing date and number of certificate; names, ages, and places of residence of alien, wife, and dependent children; and volume and page reference

to Naturalization Records, entry 181. Arr. by certificate nos. Hdw. 50 pp. 9 x 5 x ½. Clk. vt. 2.

PROBATE CAUSES

ENTRY OF CAUSES

185. ESTATE, ENTRY, CLAIM AND ALLOWANCE DOCKET AND FEE BOOK, 1853—. 40 vols. (1, 2, 1-38). Title varies: 1853-79, Appearance Docket; 1880-June 1913, Claim and Allowance Docket.

Record of filing of actions, claims presented, and allowances made in settlement of estates in circuit court, 1853—; in Superior Court No. 1, June 24, 1927—; Superior Court No. 2, May 21, 1927—; showing cause number; names of estates, claimant, administrator or executor, and sureties; dates of filing, decedent's death, letters of administration, inventory and appraisement, inheritance tax schedule, allowance, and publication; amounts of estate, administrator's or executor's bond, inheritance tax, claims, allowances, and fees; and receipt of satisfaction of claimant. Indexed alph. by names of estates. Hdw. 250 pp. 15 x 18 x 2½. 25 vols., 1853-June 6, 1927, clk. vt. 2; 15 vols., June 7, 1927—, clk. off.

For prior superior court records, see entries 272, 322.

ORIGINAL DOCUMENTS

186. ESTATES [PENDING], 1918. 80 file boxes.

Documents filed in estate causes pending settlement, including inventories, appraisements, reports of administrators and executors, applications for letters of administration, and proofs of publication, showing date of instrument; cause number; and names of estate, administrator or executor, and attorneys. Arr. alph. by names of estates. Hdw. and typed. 10 x 5 x 15. 77 file boxes, 1918—, prob. comr. rm.

187. ESTATES [Settled], 1834—. 415 file boxes (1-415).

Documents filed in settlement of estates, including inventories and appraisements, reports of administrators or executors, applications and letters of administration, proofs of publication and posting, orders in final settlement, and receipts for payment of claims in circuit court, 1834—; in superior courts, Mar. 7, 1935—; showing cause and file box numbers; date of filing; and names of estate, administrator or executor, and attorneys. Arr. by file box nos. For index, see entry 188. 1834-Aug. 12, 1900, hdw.; Aug. 13, 1900-Mar. 5, 1935, hdw. and typed; Mar. 9, 1935—, typed. 10 x 5 x 15. Clk. vt. 2.

For prior superior court records, see entries 273, 323.

188. INDEX OF ESTATES, 1834—. 6 vols. (1-3, 3, 4, 1). 2 duplicate vols., 1834-1902.

Index to Estates [Settled], entry 187, showing cause number; name of estate; reference to file box number; and volume and page reference to Estates Entry, Claim and Allowance Docket, and Fee Book, entry 185; Will Record, entry 192; and Order Book, Probate, entry 205. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 13 x 2½. Clk. off.

189. GUARDIANSHIP [Pending], 1916—. 44 file boxes (lettering varies).

Documents filed in guardianship causes pending, including letters of

appointment, inventories, reports, petitions, and orders, showing date of action; cause number; names of guardian, ward, and court; proceedings of court; and nature of decree. Arr. alph. by names of guardians. Hdw. and typed. 10 x 5 x 15. Prob. comr. rm.

190. GUARDIANSHIP [Causes Disposed of], 1837—. 126 file boxes (1-126).

Documents filed in guardianship causes, including letters of appointment, inventories, reports, petitions, and orders, showing dates of filing, disposition, and guardian's appointment and release; cause and file box numbers; names of guardian, wards, court, and sureties; and nature of action, proceedings, and settlement. Arr. by file box nos. For index, see entry 191. 1837-Aug. 1901, hdw.; Sept. 1901—, hdw. and typed. 10 x 5 x 15. Clk. vt. 2.

191. GENERAL INDEX GUARDIANS, WARDS, MINORS, 1837—. 3 vols. (1, 1, 2).

General index to Guardianship [Causes Disposed of], entry 190, showing cause and file box numbers, names of guardian and ward, and volume and page reference to Guardianship Docket and Fee Book, entry 200, and Order Book, Probate, entry 205. Arr. alph. by names of guardians. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

WILLS

(See also entries 110, 115)

192. WILL RECORDS, 1830—. 25 vols. (1-25).

Transcripts and photostatic copies of wills and final testaments filed for probate, showing dates of will and recording; names of testator, heirs, court, witnesses, and executor or administrator; conditions of will; location and description of property; and amount of bequest. Indexed alph. by names of testators. 1830-Feb. 11, 1899, hdw.; Feb. 28, 1899-Aug. 13, 1928, typed; Aug. 20, 1928—, photostat. 655 pp. 18 x 12 x 3. 23 vols., 1830-Sept. 8, 1926, clk. vt. 2; 2 vols., Sept. 10, 1926—, prob. comr. rm.

193. WILLS, 1830—. 108 file boxes (1-108).

Original wills and final testaments filed for probate, showing dates of will and filing; cause number; names of testator, executor or administrator, heirs, court, and witnesses; conditions, bequests, and codicils of will; location and description of property; and volume and page reference to Will Record, entry 192. Arr. by dates of filing. 1830-Feb. 7, 1909, hdw.; Feb. 9, 1909—, hdw. and typed. Clk. vt. 1.

BONDS

194. ADMINISTRATOR'S, EXECUTOR'S, AND GUARDIAN'S BONDS, OATHS, LETTERS, Aug. 1873-Feb. 15, 1922. 13 vols. (1-13).

Record of letters of administration issued, bonds posted, and oaths administered to administrators, executors, and guardians appointed to administer estates and guardianships, showing dates of letters of administration, bond, and oath; names of estate, heirs, and guardian, executor, or administrator, and sureties; amount and condition of bond; and value of estate. Indexed alph. by names of guardian, executors, or administrators. Hdw. 780 pp. 16 x 11 x 3½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 205; for prior records, see entries 195-198.

195. EXECUTORS BONDS, OATHS, AND LETTERS [Common Pleas Court], 1853-Oct. 13, 1874. 1 vol.

Record of appointment of executors, bonds posted, and oaths administered in execution of wills in common pleas court, showing dates of appointment, bond, and oath; names of estate, executor, and sureties; and amount and conditions of bond. Indexed alph. by names of estates. Hdw. 750 pp. 16 x 11 x 2½. Clk. bsmt. vt. 4, sec. A.

196. GUARDIAN'S BONDS, OATHS, AND LETTERS [Common Pleas Court], 1853-Mar. 7, 1874. 1 vol.

Record of appointment of guardians, bonds posted, and oaths administered in guardianship causes in common pleas court, showing dates of appointment, bond, and oath; names of ward, guardian, and sureties; and amount and conditions of bond. Indexed alph. by names of guardians. Hdw. 400 pp. 18 x 12 x 2½. Clk. bsmt. vt. 4, sec. A.

197. ADMINISTRATOR'S BONDS, OATHS, AND LETTERS [Common Pleas Court], Dec. 1853-July 1873. 1 vol.

Record of appointment of administrators, bonds posted, and oaths administered in estates causes in common pleas court, showing dates of appointment, bond, and oath; names of estate, administrator, and sureties; and amount and conditions of bond. Indexed alph. by names of estate. Hdw. 250 pp. 16 x 11 x 2½. Clk. bsmt. vt. 4, sec. A.

198. LETTERS OF ADMINISTRATION, 1844-Nov. 1852. 1 vol.

Record of appointment of administrators or executors, bonds posted, and oaths administered in settlement of estates and execution of wills, showing dates of appointment, bond, and oath; names of estate, administrator or executor, and sureties; and amount and conditions of bond. Indexed alph. by names of estates. Hdw. 500 pp. 16 x 12 x 3. Clk. bsmt. vt. 4, sec. A.

For prior records, see entries 195, 197.

INVENTORIES

199. INVENTORIES RECORD, 1881-Mar. 14, 1927. 22 vols. (1-22).

Transcripts of administrators' and guardians' inventories and appraisements of personal property in settlement of estates and guardianships, showing names of estate or guardianship, administrator or guardian, and appraisers; and itemized list and appraised value of property. Indexed alph. by names of estates or guardianships. Hdw. 200 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 205.

MINUTES

200. GUARDIANSHIP DOCKET AND FEE BOOK, 1837—. 15 vols. (A, B, 3, 1-12). Title varies: 1837-1927, Guardianship Docket.

Record of actions and proceedings in guardianship causes in circuit court, 1837—; in superior courts, April 14, 1928—; showing cause number; date of action; names of ward, guardian, and sureties; amount of bond; age and birthdate of ward; inventory of property; amount of fees; and volume and page reference to Order Book Probate, entry 205.

Indexed alph. by names of wards and guardians. Hdw. 400 pp. 18 x 14 x 2½. 9 vols., 1837-June 1918, clk. vt. 2; 6 vols., Sept. 1918—, clk. off.

For prior superior court records, see entries 279-328.

201. [JUDGE'S DOCKET], ESTATE, 1913—. 7 vols.

Judge's minutes of actions and proceedings in estate causes in circuit court, 1913—; in superior courts, July 1927—; showing date of action; cause number; and names of estate, administrator or executor, sureties, and attorneys; and amount of bond. Arr. by cause nos. Hdw. 1000 pp. 12 x 12 x 5. Clk. vt. 1.

For prior superior court records, see entries 278, 327.

202. [JUDGE'S DOCKET] GUARDIANSHIPS, 1913—. 1 vol.

Judge's minutes of court action and proceedings in disposed guardianship causes in circuit court, 1913—; in superior courts, July 1927—; showing cause number; names of estate, guardian, wards, sureties, and attorney; date of guardian's appointment; amount of bond; and minutes of court proceedings. Arr. by cause nos. Hdw. 1000 pp. 12 x 12 x 5. Clk. vt. 1.

For prior superior court records, see entries 278, 327.

203. [JUDGE'S DOCKET] CLAIMS, 1913—. 3 vols.

Judge's minutes of actions and proceedings on claims filed against estates in circuit court, 1913—; in superior courts, July 1927—, showing cause number; dates of filing and allowance; and names of estate, administrator or executor, and claimant. Arr. by cause nos. Hdw. 1000 pp. 12 x 12 x 5. 1 vol., 1913-18, clk. bsmt. vt. 3, sec. F; 1 vol., 1919-37, clk. vt. 1; 1 vol., 1938—, prob. comr. rm.

For prior superior court records, see entries 278, 327.

204. PROBATE DOCKET, 1851-80. 9 vols. (7 vols. not numbered, 1, 2).

Title varies: Docket of Estates.

Record of actions and proceedings on probate causes in common pleas court, showing cause number; dates of filing, bonds posted, and appointments approved; names of estate and administrator or executor; inventory and appraised value of property; and sale of real property. Indexed alph. by names of estates. Hdw. 150 pp. 14 x 9 x 1. Clk. bsmt. vt. 4, sec. A.

ORDERS

205. ORDER BOOK, PROBATE, 1834—. 61 vols. (14 vols. not numbered, 1-47).

Transcripts of all actions and proceedings in probate causes, showing cause number; dates of filing, action, and settlement; names of estate, heirs, witnesses, administrator or executor, and guardian; nature of action; and disposition. Indexed alph. by names of estates or guardianships and administrators, executors, or guardians. 1834-Apr. 6, 1899, hdw.; Apr. 8, 1899—, typed. 600 pp. 18 x 12 x 3. 57 vols., 1834-Nov. 15, 1936, clk. vt. 2; 4 vols., Nov. 1936—, prob. comr. rm.

206. INHERITANCE TAX RECORD, 1913—. 6 vols. (1 vol. not numbered, 1-5).

Orders determining value of estates and amount of inheritance tax due, showing cause number; dates of decedent's death, order, and recording;

names of estate, appraiser, heirs, and administrator or executor; inventory and appraised value of estate; amounts of tax due from each heir and deductions for claims, expenses, bequests, and exemptions; relationship of heirs; and description and location of property. Indexed alph. by names of estates. Hdw. 500 pp. 14 x 9 x 2½. Clk. vt. 2.

For other inheritance tax records, see entries 118, 206, 390, 391, 471.

207. SALE BILL RECORD, 1881-Nov. 15, 1910. 3 vols. (1-3).

Record of administrators' or executors' sales of personal property in settlement of estates, showing cause number; date and amount of sale; description of articles sold; names of estate, administrator or executor, and purchaser; and list and appraised value of property not sold. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 12 x 2½. 1 vol., 1881-Apr. 16, 1896, clk. bsmt. vt. 4, sec. A; 2 vols., Apr. 18, 1896-1910, clk. bsmt. vt. 3, sec. D.

For subsequent records, see entry 205.

208. SALE BILL RECORD [Common Pleas Court], 1852-Mar. 1853. 1 vol.

Record of administrators' or executors' sales of personal property in settlement of estates, showing cause number; date and amount of sale; description of articles sold; names of estates, administrator or executor, and purchaser; and list and appraised value of property not sold. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 12 x 2½. Clk. bsmt. vt. 4, sec. A.

209. PARTITION RECORD [Common Pleas Court], 1854-73. 2 vols. (1 vol. not numbered, 2).

Transcripts of court decrees in partition actions for division of real property in settlement of estates, showing cause number, dates of action and decree, names of principals, location and description of property, amounts of fees and costs, and nature of final settlement. Arr. by dates of decrees. Hdw. 400 pp. 18 x 12 x 2½. Clk. vt. 2.

COMPLETE TRANSCRIPTS

210. COMPLETE RECORD PROBATE, 1832-1903. 43 vols. (1 vol. not numbered, 2-6, 1-37). Title varies: Final Record.

Complete transcripts of all actions and proceedings in probate causes, showing cause number, date and nature of action, names of estates and principals, and amounts of fees and costs. Indexed alph. by names of estates. 1832-Mar. 21, 1898, hdw.; Mar. 22, 1898-1903, typed. 600 pp. 18 x 12 x 3. Clk. vt. 2.

For subsequent records, see entry 205.

JUVENILE PROCEEDINGS

ORIGINAL DOCUMENTS

211. CARD INDEX, 1903—. 1 file drawer.

Card index to all pending and disposed of juvenile causes, showing dates of filing and disposition, cause number, name and address of child or defendant, and reference to file drawer. Arr. alph. by names of children or defendants. Typed. 5 x 14 x 32. Juv. referee off.

212. [CARD REFERENCE TO ACTIVE CAUSES], not dated. 5 file drawers. Reference cards to active juvenile causes, showing cause number; name,

age, and address of offender; and dates of offense and disposition. Arr. alph. by names of offenders. Typed. 1 x 10 x 32. Juv. referee off.

213. [JUVENILE COURT PAPERS], 1903—. 12 file drawers.

Documents filed in juvenile causes, showing date of filing, cause number, name of defendant, minutes of court, and disposition of cause. Arr. by cause nos. Typed. 12 x 14 x 32. Juv. referee's off.

214. UNOFFICIAL CASES DISMISSED, BOYS IN INSTITUTES, 1903—. 12 file boxes, 2 file drawers.

Documents filed in juvenile causes in which no action has been taken by court, including complaints, petitions, affidavits, and reports of investigators, showing date of document; cause number; personal and family history; and date and nature of disposition. Also contains:

[BOYS IN INSTITUTES], entry 218. Arr. by cause nos. Typed. File boxes, 10 x 5 x 15; file drawers, 12 x 14 x 32. Juv. referee's off.

215. RECORD OF CASES DISCHARGED, 1903—. 1 vol.

Record of investigations on juvenile complaints, showing cause number, date and nature of complaint, names of complainant and defendant, and date of action or discharge. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. vt. 1.

216. OFFICIAL CASES [Disposed], 1924—. 5 file drawers.

Documents filed in juvenile causes disposed of, including writs, petitions, notices, summons, affidavits, court orders, warrants, subpoenas, and probation officer's reports, showing dates of instrument, offense, and action; number, nature, and disposition of cause; and personal and family history of child or defendant. Arr. by cause nos. Hdw. and typed. 12 x 14 x 32. Juv. referee's off.

217. RUNAWAY CASES, 1930—. 1 file drawer.

Papers and correspondence pertaining to runaway children returned to their homes by juvenile department, showing date of instrument, cause number, names and addresses of child and parents, age of child, amount of cost for transportation, and disposition. Arr. by cause nos. Hdw. and typed. 12 x 14 x 32. Juv. referee's off.

218. [BOYS IN INSTITUTES], 1932—. In Unofficial Cases Dismissed, Boys in Institutes, entry 214.

Original papers pertaining to juvenile causes in which boys have been committed to correctional institutions by court, including complaints, affidavits, petitions, orders, warrants, subpoenas, notices, summons, and probation officer's reports, showing dates of instrument, offense, complaint, and commitment; cause number; names of probation officer and institution; personal and family history; and name, age, and sex of child.

219. ACTIVE CASES, 1933—. 2 file drawers.

Documents pertaining to active juvenile causes, showing date and number of cause, names and addresses of parents and child, nature of offense, and family history. Arr. by cause nos. Typed. 12 x 14 x 32. Juv. referee's off.

220. INFORMAL COMPLAINTS, 1938—. 1 file drawer.

Affidavits in informal complaints against children, showing date and nature of complaint, names and addresses of complainant and child, and disposition. Arr. alph. by names of children. Typed. 5 x 14 x 32. Juv. referee's off.

MINUTES

221. [JUDGE'S DOCKET OF JUVENILE CAUSES DISPOSED OF], 1903—. 6 vols.

Judge's minutes of court proceedings in disposed of juvenile causes, showing date of trial, cause number, name of defendant, minutes of court, and disposition of cause. Arr. by cause nos. Hdw. 1000 pp. 12 x 12 x 5. Juv. referee's off.

- 222 [JUDGE'S DOCKET OF JUVENILE CAUSES PENDING], 1937—. 1 vol. Judge's docket of juvenile causes pending court action, showing date of trial, nature and number of cause, name of defendant, and proceedings of court. Arr. by cause nos. Hdw. 50 pp. 12 x 12 x 1. Juv. referee's off.

ORDERS

223. ORDER BOOK JUVENILE, 1903—. 6 vols. (1-6).

Record of all actions and proceedings in juvenile causes, showing cause number, date and nature of action, name of defendant, and disposition. Indexed alph. by names of defendants. Typed. 600 pp. 18 x 12 x 3. 3 vols., 1903-July 19, 1928. clk. vt. 2; 3 vols., July 23, 1928—, juv. referee's off.

REPORTS AND RECEIPTS

224. REPORTS, 1924—. 1 file drawer.

Duplicate monthly statistical reports of probation officer to state probation department of causes handled in juvenile court, showing date of report; number of causes received, pending, and disposed of; itemized list of offenses committed; and number of discharges and causes carried over. Arr. by dates of reports. Typed. 12 x 24 x 32. Juv. referee's off.

225. [RECEIPT BOOKS], 1927. 8 vols.

Duplicate receipts of money received for support of delinquent children, showing date, purpose, and amount of payment; names of payer and payee; duplicate receipt number; and signature of payee. Arr. by dates of payments. Hdw. 200 pp. 12 x 10 x ½. Juv. referee's off.

MISCELLANEOUS RECORDS

CHANGE OF VENUE

(See also entries 154, 443)

226. CHANGE OF VENUE RECORD, 1893-Apr. 21, 1921. 2 vols.

Record of civil and criminal causes venued to and from other counties, showing dates of filing and disposition; cause number; names of plaintiff, defendant, and county; itemized statement of cost; and nature of action. Indexed alph. by names of plaintiffs and defendants. Hdw. 140 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 154.

JURIES AND WITNESSES

(See also entry 337, 357-369)

227. JUROR'S TIME BOOK, 1889—. 5 vols. (numbering varies).

Record of time served and fees, costs, and mileage allowed for grand and petit jury services, showing date of service; name of juror; number of

days served; and amounts of miles traveled, fees, and costs. Arr. by dates of services. Hdw. 200 pp. 18 x 12 x 1½. 1 vol., 1889-Mar. 1897, clk. bsmt. vt. 4, sec. A; 2 vols., Apr. 1897-Feb. 1915, clk. bsmt. vt. 3, sec. C; 2 vols., May 1915—, cir. ct. rm.

228. SUBPOENA GRAND JUROR, 1909—. 1 file box.

Subpoenas issued for persons to appear before grand jury as witnesses, showing dates of subpoena and appearance, name and address of witness, and nature of cause. Arr. by dates of subpoenas. Hdw. 10 x 5 x 15. Clk. order bk. rm.

229. REPORT OF GRAND JURY, 1914—. 2 file boxes.

Reports from grand jury to judge of circuit court on indictments returned and conditions of county buildings and institutions, showing date of report, names of judge and person indicted, nature of indictment, and reports on conditions and recommendations for county buildings and institutions. Arr. by dates of reports. Typed. 10 x 5 x 15. Clk. order bk. rm.

230. VENIRE [for Jurors], 1927—. 2 file boxes.

Original summons issued by court for persons to appear for grand and petit jury service and returned account unable to serve, showing dates of summons, service, and appearance; reason for return; and name of person processed. Arr. by dates of summonses. Typed. 10 x 5 x 15. 1927-34, sher. off.; 1935—, clk. order bk. rm.

231. PRAECIPE FOR WITNESSES, 1863-May 25, 1874. 1 vol. Discontinued.

Register of subpoenas issued by clerk for witnesses to appear in common pleas and circuit court causes, showing dates of subpoena and appearance; and names of plaintiff, defendant, attorneys, and persons subpoenaed. Arr. by dates of subpoenas. Hdw. 250 pp. 14 x 9 x 2. Clk. bsmt. vt. 3, sec. C.

RECEIPTS FOR PAPERS

232. [REGISTER OF COURT PAPERS], 1860-75. 1 vol. Discontinued. Register of court papers loaned to persons by clerk, showing dates of loan and return, number and title of cause, and name of borrower. Arr. by dates of loans. Hdw. 250 pp. 17 x 11 x 1½. Clk. bsmt. vt. 3, sec. C.

CLAIMS

(See also entry 444)

233. CIRCUIT COURT BILLS, 1922—. 3 file boxes.

Claims presented to and approved by judge of circuit court for payment of court bills, showing date of filing, approval, and claim or allowance; name of claimant; and nature and amount of claim or allowance. Arr. by dates of filing. Typed. 10 x 5 x 15. Clk. off.

234. RECEIVERSHIP CLAIMS, 1921-July 23, 1927. 2 file boxes.

Original claims filed by creditors in receivership causes, showing date of filing, cause number, names of receiver and claimant, and nature and amount of claim. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 15. Clk. off.

For subsequent records, see entry 133.

FEE AND CASH RECORDS

235. REGISTER OF FEES, 1873—. 11 vols. (2 vols. not numbered, 3-11).

Register of fees received by clerk and disbursed by court orders in criminal causes in circuit court, 1873—; in Superior Court No. 1, Aug. 1913—; showing date of receipts or disbursement; names of payer, payee, and court; amount of receipt or disbursement; and nature of cause. Arr. by dates of receipts or disbursements. Hdw. 600 pp. 18 x 12 x 3. 8 vols., 1873-Dec. 1918, clk. bsmt. vt. 3, sec. E; 3 vols., Jan. 1919—, clk. order bk. rm.

For prior superior court records, see entry 288.

236. SUPPORT DOCKET, 1906—. 7 vols. (2, 5 vols. not numbered, 7).

Title varies: 1906-June 16, 1913, Alimony Record.

Record of money received and disbursed by court orders for support of children and alimony payments, showing date and amount of receipt and disbursement; cause and account numbers; and names of plaintiff, defendant, payer, and payee. Indexed alph. by names of payers. Hdw. 1000 pp. 12 x 15 x 5½. 1 vol., 1906-June 16, 1913, clk. bsmt. vt. 4, sec. A; 4 vols., June 23, 1913-Feb. 11, 1919, Aug. 29, 1927—, clk. off.; 2 vols., Feb. 12, 1919-Aug. 8, 1929, clk. bsmt. vt. 3, sec. E.

237. FEE BOOK CIVIL [and Criminal], 1835-June 1913. 38 vols. (1-38).

Record of fees and costs received in civil and criminal causes, showing date, nature, and amount of receipt; cause number; and names of plaintiff, defendant, and payee. Indexed alph. by names of plaintiffs and defendants. Hdw. 600 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. E.

For subsequent civil fees, see entry 128; criminal fees, see entry 130.

238. PROBATE FEE BOOK, 1842-June 3, 1913. 13 vols. (1 vol. not numbered, 4, 1-11).

Record of fees and costs received in probate causes, showing date, nature, and amount of payment; cause number; and names of estate and administrator, executor, or guardian. Indexed alph. by names of estates and administrators, executors, or guardians. Hdw. 600 pp. 18 x 12 x 3. Clk. vt. 2.

For subsequent records, see entry 185.

239. FEE BOOK [Common Pleas Court], 1853-73. 7 vols. (1-7).

Record of fees and costs in civil and criminal causes, showing date, amount, and source of fee; cause number; names of plaintiff, defendant, and payer; and total amount collected. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. bsmt. vt. 3, sec. E.

VI. SUPERIOR COURT NO. 1

St. Joseph Superior Court No. 1, originally established as "St. Joseph Superior Court" in 1907,¹ was re-established by an act of 1913²

¹ Acts 1907; Burns 4-1701; Baldwin 1624.

² Acts 1913; Burns 4-1702; Baldwin 1646. Acts 1913, 1923; Burns 4-1703; Baldwin 1650.

and consists of one judge elected by the voters of the county for a four-year term.³

In 1907, the general assembly created in Elkhart and St. Joseph Counties a judicial district—"the Elkhart and St. Joseph Superior Court District."⁴ The voters of the district elected one judge who held court in each county at stated terms.⁵ Separate judicial districts were established in Elkhart and St. Joseph Counties in 1913, and the superior court of St. Joseph County was designated as "Saint Joseph Superior Court No. 1."⁶

The court has original, appellate, and concurrent jurisdiction with the circuit court in all causes, proceedings, and actions at law and in equity; in all criminal cases; in actions for divorce or separation; in matters of probate and the settlement of decedents' estates; and in all other causes, matters, and proceedings of which the circuit court now has or may hereafter have jurisdiction.⁷ It is a court of record and of general jurisdiction, and its judgments, decrees, orders, and proceedings have the same force and effect as those of a circuit court and are enforced in the same manner, provided that, after the rendition of any judgment in the superior court, such judgment is entered in the judgment docket of the circuit court in the manner provided by law.⁸

The court has the same power in term-time or in vacation to grant restraining orders, injunctions, and writs of ne exeat; to issue writs of habeas corpus, and of mandate and prohibition; to appoint receivers, master commissioners, and commissioners to convey real property; to grant commissions for the examination of witnesses; and to appoint other officers necessary to facilitate and transact its business as is now or may hereafter be conferred on the circuit court or the judge thereof.⁹

The court also has the power in vacation to issue and direct all processes to courts of inferior jurisdiction, to corporations, and to individuals, which are necessary in exercising its jurisdiction; to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process and executions; and to do all such acts as may be necessary or proper to carry the same into effect.¹⁰

The court adopts rules for conducting its business and has all the power incident to courts of record and general jurisdiction in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders. The judge has full authority to administer oaths, to solemnize marriages, to take and certify acknowledgements of deeds, and to give all necessary certificates for the authentication of the records and proceedings of the court.¹¹

Changes of venue may be had from this superior court to any circuit

³ Acts 1913; Burns 4-1704; Baldwin 1651.

⁴ Acts 1907; Burns 4-1701; Baldwin 1624.

⁵ Acts 1907, ch. 5, sec. 4.

⁶ Acts 1913; Burns 4-802, 4-1702; Baldwin 1647, 1646. Acts 1913, 1923; Burns 4-1703; Baldwin 1650.

⁷ Acts 1907; Burns 4-1709; Baldwin 1625.

⁸ Acts 1907; Burns 4-1711; Baldwin 1630.

⁹ Acts 1907; Burns 4-1713; Baldwin 1632.

¹⁰ Acts 1907; Burns 4-1712; Baldwin 1631.

¹¹ Acts 1907; Burns 4-1714; Baldwin 1633.

or superior court having jurisdiction of the subject matter of the cause of action, or from circuit or superior courts to this superior court, as provided by law. If the judge of this superior court deem himself incompetent to sit in any case, he may decline to sit, and may thereupon appoint a special judge, with the same effect as if a change of venue had been taken.¹² All appeals from a justice of the peace court, city court, or other inferior tribunal may be taken to this superior court or to St. Joseph Superior Court No. 2, as the justice of the peace or presiding officer of the court or tribunal may direct, in the same manner as such appeals are taken to the St. Joseph Circuit Court.¹³

The clerk of the circuit court and the sheriff of the county are the clerk and sheriff of Superior Court No. 1, and, as such, attend all sessions of the court and discharge all duties pertaining to their respective offices as they now or may be required by law to do in the circuit court. The prosecuting attorney of the judicial circuit prosecutes the pleas of the state in the superior court.¹⁴

Under the direction of the judge, the clerk provides order books, judgment dockets, execution dockets, fee books, and such other books as may be necessary to the functioning of the court. All books, papers, and proceedings of the superior court are kept distinct and separate from those of other courts.¹⁵

The records are located in the courthouse.

CIVIL AND CRIMINAL CAUSES

ENTRY OF CAUSES

240. ENTRY DOCKET, ISSUE DOCKET, AND FEE BOOK [Civil], 1913-May 1927. 34 vols. (4-37). June 1927—, in Entry Docket, Issue Docket, and Fee Book [Civil], entry 128.

Record of filing of actions, issuance of writs, and fees collected in civil causes, showing date of filing; number and nature of cause; names of plaintiff, defendant, and attorneys; date and nature of writs issued; itemized list of fees and costs; and disposition. Indexed alph. by names of plaintiffs and defendants. Hdw. 350 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. C.

For prior entry docket, see entry 241; issue docket, entry 258; fee book, entry 289.

241. ENTRY DOCKET [Civil], 1907-Sept. 1913. 1 vol.

Record of filing of actions in civil causes, showing date of filing; cause number; names of plaintiff, defendant, and attorneys; and nature of action. Indexed alph. by names of plaintiffs and defendants. Typed. 590 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. E.

For subsequent records, see entry 240.

242. CRIMINAL ENTRY DOCKET, 1907-May 1927. 4 vols. (1-4). June 1927—, in entry 130.

Record of filing of actions in criminal causes, showing date of filing, cause

¹² Acts 1911; Burns 4-401; Baldwin 1419. Acts 1907; Burns 4-1715; Baldwin 1634.

¹³ Acts 1907; Burns 4-1716; Baldwin 1635. Acts 1921; Burns 4-1814; Baldwin 1671.

¹⁴ Acts 1907; Burns 4-1710; Baldwin 1629.

¹⁵ Acts 1907; Burns 4-1719; Baldwin 1640.

number, nature of action, names of defendant and attorneys, amount of fees, and volume and page reference to Civil [and Criminal] Order Book, entry 259; and Judgment Docket, entry 260. Indexed alph. by names of defendants. Hdw. 500 pp. 18 x 12 x 2½. 2 vols., 1907-Dec. 19, 1921, clk. bsmt. vt. 3, sec. D; 2 vols., Dec. 20, 1921-27, clk. off.

ORIGINAL DOCUMENTS

243. [CIVIL CAUSES PENDING], 1927—. 42 file boxes.

Documents filed in civil actions pending, including complaints, demurrers, writs, orders, summons, and subpoenas, showing dates of filing and action; cause number; names of plaintiff, defendant, and attorneys; and nature of action. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Supr. ct. rm. 1.

244. CIVIL CASES [Disposed of, Superior Court No. 1], 1907—. 260 bdls., 183 file boxes.

Documents filed in civil actions disposed of, including complaints, demurrers, writs, orders, summons, and subpoenas, showing date of filing; cause, bundle, and file box numbers; nature of action; names of plaintiff, defendant, and attorneys; amounts of fees and costs; and disposition. Arr. by bdl. or file box nos. Hdw. and typed. Bdls., 9 x 4 x 14; file boxes, 10 x 5 x 15. 260 bdls., 23 file boxes, 1907-Sept., 1929, clk. bsmt. vt. 4, sec. C, D; 160 file boxes, Oct., 1929—, clk. vt. 1.

245. GENERAL INDEX CIVIL, 1907-May 1927. 3 vols. (1-3). June 1927—, in General Index Civil, entry 134

Index to Civil Cases [Disposed of, Superior Court No. 1], showing cause, bundle or file box number; names of plaintiff and defendant; and volume and page reference to Entry Docket, Issue Docket, and Fee Book [Civil], entry 240; Entry Docket [Civil], entry 241. Arr. alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

246. CRIMINAL [Causes Pending], 1932—. 2 file boxes.

Documents filed in criminal causes pending, including affidavits, writs, orders, summons, and subpoenas, showing names of defendant, attorneys, and witnesses; dates and nature of cause and instrument; cause number; and court proceedings. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Supr. Ct. rm. 1.

247. CRIMINAL CASES [Disposed of, Superior Court No. 1], 1907—. 18 bdls., 7 file boxes (numbering varies).

Documents filed in criminal actions disposed of, including affidavits, writs, orders, summons, and subpoenas, showing date of filing; cause, bundle, and file box numbers; nature of cause and writs; names of defendant and attorney; and amounts of fees and costs. Arr. by bdl. or file box nos. Hdw. and typed. Bdls. 9 x 4 x 14; file boxes, 10 x 5 x 15. 18 bdls. 1907-May 28, 1929, clk. bsmt. vt. 4, sec. D; 7 file boxes, May 29, 1929—, clk. vt. 2.

248. GENERAL INDEX CRIMINAL CAUSES, 1907-May 1927. 1 vol. June 1927—, in General Index Criminal Causes [Disposed of Circuit Court], entry 137.

Index to Criminal Cases [Disposed of, Superior Court No. 1], entry 247, showing cause number, name of defendant, file box reference,

and volume and page reference to Civil [and Criminal] Order Book, entry 259. Arr. alph. by names of defendants. Hdw. 550 pp. 18 x 12 x 2½. Clk. off.

INDICTMENTS

249. INDICTMENT RECORD, 1907-Aug. 17, 1923. 1 vol. Sept. 1923—, in Record of Indictments, entry 140.

Transcripts of indictments returned by grand jury, showing date of filing; cause number; names of defendant, prosecuting attorney, and foreman of the grand jury; nature of indictment; and amount of bond. Also contains: [Indictment Record Superior Court No. 2], 1921-Aug. 17, 1923, entry 299. Indexed alph. by names of defendants. Typed. 600 pp. 18 x 12 x 3. Clk. bsmt. vt. 4, sec. A.

BONDS

250. RECOGNIZANCE ORDER BOOK, 1908-Nov. 1927. 1 vol. Dec. 1927—, in Recognizance Order Book, entry 141.

Transcripts of bonds posted to insure appearance of defendants in court, showing term of court; cause numbers; names of defendant and sureties; nature of charge; and date, amount, and conditions of bond. Also contains: [Recognizance Order Book, Superior Court No. 2], 1921-Nov. 1927, entry 300. Indexed alph. by names of defendants. Hdw. 500 pp. 18 x 12 x 2. Clk. bsmt. vt. 3, sec. C.

For other recognizance bond records, see entries 38, 251.

251. BOND RECORD, 1907-July 11, 1924. 1 vol.

Transcripts of miscellaneous bonds posted in superior court causes, including receivers, appeal, attachment, recognizance, appearance, restitution, commissioners, and replevin bonds, showing names of principals and sureties; and date, number, amount and conditions of bond. Also contains: [Bond Record Superior Court No. 2], 1921-24, entry 301. Indexed alph. by names of principals. Typed. 300 pp. 18 x 13 x 2½. Clk. bsmt. vt. 3, sec. C.

For subsequent records, see entry 38.

For other appeal bond records, see entry 253.

For other recognizance records, see entry 250.

252. COST BOND RECORD, 1907-May 29, 1924. 1 vol.

Record of bonds posted to insure payment of court costs, showing date, amount, and conditions of bond; cause number; names of plaintiff, defendant, and sureties; and date of approval. Also contains: [Cost Bond Record, Superior Court No. 2], 1921-May 29, 1924, entry 302. Indexed alph. by names of plaintiffs and defendants. Hdw. 400 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. C.

For subsequent records, see entry 38.

253. BOND RECORD [Appeal], 1907-July 11, 1924. 1 vol.

Transcripts of bonds posted to insure payment of court costs in causes appealed to other courts, showing cause number; names of appellant, appellee, and sureties; date, amount, and conditions of bond; and amount and nature of judgment rendered in lower court. Also contains: [Bond Record Appeal, Superior Court No. 2], 1921-24, entry 303. In-

dexed alph. by names of appellants. Hdw. 600 pp. 18 x 13 x 2½. Clk. vt. 2.

For subsequent records, see entry 38.

MINUTES

254. JUDGES DOCKET [Civil and Criminal Causes Pending], 1923—. 1 vol.

Judge's minutes of actions and proceedings in civil and criminal causes pending, showing nature and number of cause; dates of filing and action; names of plaintiff, defendant, and attorneys; and disposition. Arr. by cause nos. For index, see entry 255. Hdw. and typed. 2000 pp. 12 x 12 x 7. Supr. ct. rm. 1.

255. BAR DOCKET [Index to Civil and Criminal Causes Pending], 1923—. 1 vol.

Index to Judges Docket [Civil and Criminal Causes Pending], entry 254, showing names of plaintiff and defendant and cause number. Arr. alph. by names of plaintiffs and defendants. Hdw. 80 pp. 12 x 10 x 1. Supr. ct. rm. 1.

256. [JUDGE'S DOCKET CIVIL CAUSES DISPOSED OF], 1912-May 1927. 10 vols. June 1927—, in [Judge's Docket Civil Causes Disposed of] entry 145.

Judge's minutes of actions and proceedings in civil causes disposed of, showing dates of filing and action; cause number; names of plaintiff, defendant, and attorneys; nature of action; amounts of fees and costs; and volume and page reference to Civil [and Criminal] Order Book, entry 259. Arr. by cause nos. Hdw. and typed. 1000 pp. 12 x 12 x 6. Clk. vt. 1.

257. [JUDGE'S DOCKET CRIMINAL CAUSES DISPOSED OF], 1911-May 1927. 4 vols. June 1927—, in [Judge's Docket of Criminal Causes Disposed of], entry 148.

Judge's minutes of actions and proceedings in criminal causes disposed of, showing cause number, date and nature of action, names of defendant and attorneys, disposition, and volume and page reference to Civil [and Criminal] Order Book, entry 259. Arr. by cause nos. Hdw. 800 pp. 12 x 12 x 6. Clk. vt. 1.

258. ISSUE DOCKET [Civil], 1907-Sept. 1913. 12 vols.

Minutes of actions, proceedings, and rulings in civil causes, showing date and nature of action; cause number; names of plaintiff, defendant, and attorneys; and disposition of cause. Arr. by cause nos. Hdw. 150 pp. 18 x 12 x 1. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 240.

ORDERS

259. CIVIL [AND CRIMINAL] ORDER BOOK, 1907—. 31 vols. (1-31). Transcripts of all actions and proceedings in civil and criminal causes, showing dates of filing and action; cause number; names of plaintiff, defendant, and attorneys; and disposition. Arr. by cause nos. Typed. 600 pp. 18 x 12 x 3. 26 vols., 1907-July 12, 1935, clk. vt. 1; 5 vols., July 13, 1935—, clk. order bk. rm.

JUDGMENTS

260. JUDGMENT DOCKET [Superior Court No. 1], 1907-May 1927. 5 vols. (1-5). June 1927—, in Judgment Docket [Circuit Court], entry 158.

Record of judgments rendered in civil and criminal causes, showing dates of judgment and satisfaction, cause number; names of plaintiff and defendant, nature and amounts of judgment and costs, and volume and page reference to Entry Docket, Issue Docket, and Fee Book, entry 240; Civil [and Criminal] Order Book, entry 259; and Execution Docket, entry 262. Indexed alph. by names of plaintiffs and defendants; for separate index, see entry 261. Typed. 595 pp. 18 x 13 x 3. 2 vols., 1907-June 8, 1918, clk. bsmt. vt. 3, sec. C; 3 vols., June 8, 1918-27, clk. vt. 2.

261. GENERAL INDEX JUDGMENTS [Superior Court No. 1], 1907-May 1927. 1 vol. June 1927—, in General Index Judgments [Circuit Court], entry 159.

Index to Judgment Docket, entry 260, showing date of judgment, names of plaintiff and defendant, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 13 x 3. Clk. vt. 2.

EXECUTIONS

(See also entries 339-342)

262. EXECUTION DOCKET, 1907-Nov. 21, 1928. 1 vol. Nov. 22, 1928—, in Execution Docket, entry 163.

Transcripts of writs of execution issued by court to sheriff to attach or levy against property to satisfy judgments, showing dates of writ and judgment; cause number; names of plaintiff and defendant; amounts of judgment, interest, and costs; and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. vt. 2.

263. EXECUTIONS, 1907-Dec. 19, 1930. 4 file boxes. Dec. 20, 1930—, in Executions, entry 164.

Original writs of execution issued by court to sheriff to attach or levy against property to satisfy judgments, showing date of writ; cause number; names of plaintiff and defendant; nature and amounts of judgment, interest, costs, and fees; sheriff's return; and volume and page reference to Execution Docket, entry 262. Arr. by cause nos. Typed. 10 x 5 x 15. 1 file box, 1907-May 20, 1920, clk. vt. 1; 3 file boxes, May 22, 1920-30, clk. bsmt. vt. 3, sec. D.

264. EXECUTION DOCKET ORDER OF SALES, SUPERIOR COURT [No.] I, 1908-Jan. 16, 1932. 1 vol. Jan. 17, 1932—, in Praecepta of Executions, entry 167.

Transcripts of orders of sale of property sold by sheriff to satisfy judgments, showing dates of judgment, order, and sale; cause number; names of plaintiff, defendant, sheriff, and purchaser; location and description of property; amounts of judgment, interest, costs, fees, and sale; and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 12 x 2½. Clk. vt. 2.

265. PRAECIPE OF EXECUTIONS, 1907-25. 1 vol. 1926—, in Praeipce of Executions, entry 165.

Record of orders of attorney of record or plaintiff to clerk to prepare or issue to sheriff writs of execution of court decrees or to prepare transcripts of change of venue or appeal to proper court, showing date and nature of order cause number; and names of plaintiff, defendant, and attorney. Also contains: [Praeipce of Exemptions Superior Court, No. 2], 1921-25, entry 315. Arr. by dates of orders. Hdw. 300 pp. 18 x 12 x 2. Clk. bsmt. vt. 4, sec. A.

266. LIS PENDENS, COMPLAINTS, 1907—. 1 vol.

Transcripts of complaints filed against owners of property that may be subject to levy for satisfaction of judgment, showing cause number; date of filing; nature of complaint; names of plaintiff, defendant, and attorneys; and location and description of property. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 13 x 2½. Clk. vt. 1.

267. LIS PENDENS, SHERIFF'S NOTICES, 1909—. 1 vol.

Transcripts of notices of attachment of property to satisfy judgments, showing cause number; date of filing; names of plaintiff, defendant, and sheriff; description of property; and volume and page reference to Judgment Docket, 1907-May 1927, entry 260; Judgment Docket, 1927—, entry 158. Indexed alph. by names of plaintiffs and defendants. Hdw. 350 pp. 18 x 13 x 2. Clk. vt. 1.

268. ORDER OF SALES, 1907-Feb. 2, 1929. 7 file boxes. Feb. 3, 1929—, in Order of Sales, entry 166.

Orders to sheriff to sell property for satisfaction of judgments, proofs of publication, and certificates of sale, showing cause number; dates of judgment, order, publication, and sale; names of plaintiff, defendant, attorneys, and purchaser; amounts of judgment, fees, costs, and sale; location and description of property; sheriff's return; and volume and page reference to Execution Docket Order of Sales, Superior Court No. 1, entry 264. Arr. by cause nos. Typed. 10 x 5 x 15. Clk. vt. 1.

269. LIS PENDENS, SHERIFF'S CERTIFICATES, 1907-Jan. 7, 1928.

1 vol. Jan. 8, 1928—, in Lis Pendens Sheriff's Certificates, entry 174.

Transcripts of certificates issued to purchasers of property sold to satisfy judgments, showing dates of judgment and sale; cause number; names of plaintiff, defendant, purchaser, and sheriff; amounts of judgment, interest, costs, and sale; location and description of property; and date of redemption. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 13 x 3. Clk. vt. 2.

270. REDEMPTION RECORD, STATEMENTS, AFFIDAVITS, AND CERTIFICATES, 1916—. 3 vols. (1, 1, 1).

Record of statements and affidavits of right to redeem and certificates of redemption of properties sold to satisfy judgments, showing dates of statement, affidavit, and redemption; cause number; names of plaintiff, defendant, and redeemer; location and description of property; and volume and page reference to Execution Docket Order of Sales, Superior Court No. 1, entry 264; Execution Docket Order of Sales, entry 167. Also contains: [Redemption Record, Statements, Affidavits, and Cer-

tificates, Superior Court No. 2], 1921—, entry 321. Arr. alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. vt. 1.

COMPLETE TRANSCRIPTS

271. COMPLETE RECORD [Civil], 1907-May 18, 1918. 1 vol.

Complete transcripts of all actions and proceedings in civil causes, showing cause number; date and nature of action; names of plaintiff, defendant, and attorneys; and proceedings and decree of court. Indexed alph. by names of plaintiffs and defendants. Typed. 550 pp. 18 x 12 x 3. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 259.

PROBATE CAUSES

ENTRY OF CAUSES

272. ESTATES, ENTRY, CLAIM AND ALLOWANCE DOCKET AND FEE BOOK, 1907-June 23, 1927. 2 vols. (1, 2). June 24, 1927—, in Estate Entry, Claim and Allowance Docket and Fee Book, entry 185.

Record of filing of actions, claims presented, and allowances made in settlement of estates, showing cause number; names of estate, claimant, administrator or executor, and sureties; dates of filing, decedent's death, letters of administration, inventory and appraisement, inheritance tax schedule, allowance, and publication; amounts of estate, administrator's or executor's bond, inheritance tax, claims, allowances, and fees; and receipt of satisfaction of claimant. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 12 x 3. 1 vol., 1907-Jan. 1915, clk. vt. 2; 1 vol., Feb. 1915-27, clk. off.

ORIGINAL DOCUMENTS

273. ESTATES [Settled], 1907-Mar. 6, 1935. 26 file boxes (1-26). Mar. 7, 1935—, in Estates [Settled], entry 187.

Documents filed in settlement of estates, including inventories, appraisements, reports of administrator or executor, applications for letters of administration, proofs of publication, orders in final settlement, and receipts for payment of claims, showing dates of filing and settlement; cause and file box numbers; and names of estate, administrator or executor, and attorneys. Arr. by file box nos. Hdw. 10 x 5 x 15. Clk. vt. 2.

BONDS

274. ADMINISTRATOR'S, EXECUTOR'S, AND GUARDIAN'S BONDS, OATHS, AND LETTERS, 1907-Mar. 22, 1922. 1 vol.

Transcripts of bonds posted, letters of administration issued, and oaths administered to guardians, administrators, or executors to insure faithful administration of duties, showing dates of bond and appointment; names of estate, heirs, and guardian, executor or administrator, and sureties; and amount and conditions of bond. Indexed alph. by names of guardians, executors, or administrators. Hdw. 650 pp. 16 x 11 x 2½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 281.

SALE BILLS

275. SALE BILL RECORD, 1908-Dec. 10, 1910. 1 vol.

Record of administrators' or executors' sale of personal property in settlement of estates, showing cause number; date and amount of sale; description of articles sold; names of estate, administrator or executor, and purchaser; and list and appraised value of property not sold. Indexed alph. by names of estates. Typed. 500 pp. 18 x 12 x 2½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 281.

MINUTES

276. JUDGES DOCKET [Estates and Guardianships Pending], 1925—. 1 vol.

Judge's minutes of actions and proceedings in estate and guardianship causes pending, showing dates of filing and proceedings, nature and number of cause, name of estate or guardianship, and disposition. Arr. by cause nos. For index, see entry 277. Hdw. and typed. 2000 pp. 12 x 12 x 7. Supr. ct. rm. 1.

277. CLERK'S DOCKET [Index to Estates and Guardianships], 1925—. 1 vol.

Index to Judges Docket [Estates and Guardianships Pending], entry 276, showing cause number, name of estate or guardianship, and volume and page reference to recording. Arr. alph. by names of estates or guardianships. Hdw. 75 pp. 12 x 10 x 1. Supr. ct. rm. 1.

278. [JUDGE'S DOCKET, PROBATE CAUSES DISPOSED OF], 1913-June 1927. 2 vols.

Judge's minutes of action and proceedings in settlement of estates, guardianships, and claim causes, showing dates of filing, letters of appointment and action; names of estate, guardianship, administrator or executor, guardian, and sureties; and amount of bond. Also contains: [Judge's Docket, Probate Causes Disposed of, Superior Court No. 2], 1921-June 1927, entry 327. Arr. by cause nos. Hdw. 1000 pp. 12 x 12 x 5. Clk. vt. 1.

For subsequent records, see entries 201, 202, 203.

279. GUARDIANSHIP DOCKET AND FEE BOOK, Sept. 22, 1913-Apr. 13, 1928. 1 vol. Apr. 14, 1928—, in Guardianship Docket and Fee Book, entry 200.

Record of actions and proceedings in guardianship causes, showing cause number; date of action; names of ward, guardian, and sureties; appointment of guardian; amount of bond; age and date of birth of ward; inventory of property; amount of fees; and volume and page reference to Probate Order Book, entry 281. Indexed alph. by name of wards and guardians. Hdw. 400 pp. 18 x 14 x 2½. Clk. off.

For prior records, see entry 280.

280. GUARDIANSHIP DOCKET, 1908-Jan. 10, 1918. 1 vol.

Record of actions and proceedings in guardianship causes, showing cause number; date of action; names of ward, guardian, and sureties; amount of bond; age and date of birth of ward; and volume and page reference to Probate Order Book, entry 281, and Fee Book [Probate],

entry 287. Indexed alph. by names of guardians and wards. Hdw. 400 pp. 18 x 12 x 2½. Clk. vt. 2.

For subsequent records, see entry 279.

ORDERS

281. PROBATE ORDER BOOK, 1907—. 11 vols. (1-11).

Transcripts of all actions and proceedings in probate causes, showing cause number; dates of filing, action, and settlement; names of estate, guardianship, heirs, witnesses, administrator or executor, and guardian; nature of action; and disposition. Indexed alph. by names of estates or guardianships and administrators, executors, or guardians. Typed. 600 pp. 18 x 12 x 3. 8 vols., 1907-Nov. 18, 1935, clk. vt. 1; 2 vols., Nov. 20, 1935—, prob. comr. rm.

MISCELLANEOUS RECORDS

CHANGE OF VENUE

282. CHANGE OF VENUE RECORD, 1907-Oct. 5, 1914. 1 vol.

Record of civil and criminal causes venued to and from other counties, showing date of filing; cause number; names of plaintiff, defendant, and country; nature of action; and itemized statement of cost. Arr. alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 2½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 259.

JURIES

283. JURY TIME BOOK, 1907—. 2 vols. (2, 2).

Record of days served, fees, and mileage allowed for grand and petit jury services, showing date of service, name of juror, number of days served, mileage, and amount allowed. Arr. by dates of services. Hdw. 200 pp. 18 x 12 x 1½. 1 vol., 1907-June 12, 1930, clk. vt. 1; 1 vol., June 13, 1930—, supr. ct. rm. 1.

CLAIMS

284. ALLOWANCES, 1921—. 1 file box.

Claims and allowances approved by judge for services rendered by court officers, showing dates of claim, allowance, and filing; names of payee and court; and purpose and amounts of claim and allowance. Also contains: [Allowances, Superior Court No. 2], entry 331. Arr. by dates of filing. Hdw. 10 x 5 x 15. Clk. off.

FEE AND CASH RECORDS

285. CLERK'S CASH BOOK, 1907-Nov. 1911. 1 vol.

Record of daily cash receipts in superior court causes, showing date, nature, number, and amount of receipt; names of payer and fund; and cause number. Arr. by dates of receipts. Hdw. 300 pp. 18 x 16 x 2. Clk. vt. 3, sec. E.

For subsequent records, see entry 77.

286. CLERK'S CASH CREDIT, 1907-Nov. 1911. 1 vol.

Record of daily disbursements of funds in superior court causes, showing date, nature, and amount of disbursement; cause and check num-

bers; and names of payee and depository. Arr. by dates of disbursements. Hdw. 250 pp. 18 x 16 x 2. Clk. bsmt. vt. 3, sec. E.

For subsequent records, see entry 78.

287. FEE BOOK [Probate], 1907-Apr. 15, 1916. 1 vol.

Record of fees and costs collected in probate causes, showing date, nature, and amount of payment; cause number; and names of estate or guardianship. Indexed alph. by names of estates or guardianships. Hdw. 400 pp. 18 x 12 x 2½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 272.

288. REGISTER OF FEES, 1907-July 1913. 1 vol.

Register of fees received in civil and criminal causes, showing date and amount of receipt, cause number, and name of payer. Arr. by dates of receipts. Hdw. 600 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. E.

For subsequent records, see entry 242.

289. FEE BOOK CIVIL, 1907-Sept. 1913. 3 vols. (1-3).

Record of fees and costs received by clerk in civil causes, showing cause number, amounts of fees and costs, date of receipt, name of payer, and nature of cause. Indexed alph. by names of payers. Hdw. 300 pp. 18 x 12 x 2. Clk. bsmt. vt. 3, sec. E.

For subsequent records, see entry 240.

290. ALIMONY RECORD, 1908-June 21, 1913. 1 vol.

Record of money received and disbursed for support of children and alimony payments, showing date and amount of receipt or disbursement; cause number; and names of plaintiff, defendant, and payer. Indexed alph. by names of payers. Hdw. 600 pp. 18 x 12 x 3. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 236.

VII. SUPERIOR COURT NO. 2

Superior Court No. 2 of St. Joseph County, established by an act of 1921, consists of one judge and is a court of record and of general jurisdiction. The judge is elected by the voters of the county for a four-year term. The court is officially designated as "Saint Joseph Superior Court Number Two."¹

This court was created to relieve the business of Superior Court No. 1. The act establishing Superior Court No. 2 provided for the transfer to the new court, with certain restrictions, one-half of the cases docketed or pending in Superior Court No. 1, within sixty days of taking effect.²

The court has original, appellate, and concurrent jurisdiction with the circuit court in all cases, proceedings, and actions in law and in equity; in all criminal cases; in actions for divorce or separation; in all matters of probate and the settlement of decedents' estates; and in all other causes, matters, and proceedings within the purview of the circuit court, and also all powers now possessed by that court.³ It is

¹ Acts 1921; Burns 4-1801, 4-1806; Baldwin 1658, 1663.

² Acts 1921; Burns 4-1822; Baldwin 1681.

³ Acts 1921; Burns 4-1803; Baldwin 1660.

a court of record and of general jurisdiction and its judgments, decrees, orders, and proceedings have the same force and effect as those of the St. Joseph Circuit Court and other circuit courts of the state, and are executed under the law for the enforcement of orders, judgments and decrees, mandates and writs, of whatever kind or character, of the circuit courts.⁴

The court, and the judge thereof in vacation, has the same power to grant restraining orders, injunctions, and writs of ne exeat, habeas corpus, mandate, and prohibition; to appoint receivers, master commissioners, commissioners to convey real property, and such other officers necessary to facilitate and transact the business of the court; and to grant commissions for the examination of witnesses, as is now or may hereafter be conferred on the circuit court or the judge thereof.⁵

The court has the power to issue and direct all processes to courts of inferior jurisdiction, to corporations, to individuals, and to boards or organized bodies created and existing by virtue of law, that may be necessary in exercising the jurisdiction and in making all proper judgments, sentences, decrees, orders, and injunctions, in order to enforce and carry into effect laws of the state.⁶

The judge adopts rules and regulations for conducting the business of the court and has all the power incident to a court of record in relation thereto and in relation to enforcing the attendance of witnesses, the punishment of contempts, and the enforcement of its orders. The judge also has full authority to administer oaths, to take and certify acknowledgments of deeds, and to give all necessary certificates for the authentication of the records and proceedings of the court.⁷

Changes of venue may be had from this superior court to any circuit or superior court having jurisdiction of the subject matter of the cause of action, or from circuit or superior courts to this superior court, as provided by law, and all changes of venue, either from the court or from the county are governed by the statutes concerning circuit courts.⁸ If the judge of this superior court deem himself incompetent to sit in any case, he may decline to sit, and may thereupon appoint a special judge, with the same effect and with the same authority as if a change of venue had been taken.⁹

All appeals from a justice of the peace court, city court, board of commissioners, or other inferior tribunal may be taken to this superior court or to St. Joseph Superior Court No. 1, as the justice of the peace or presiding officer of the court or tribunal may direct, in the same manner as such appeals are taken to the St. Joseph Circuit Court.¹⁰

The clerk of the St. Joseph Circuit Court and the sheriff of the county are respectively clerk and sheriff of Superior Court No. 2, and must attend that court and discharge all duties pertaining to their

⁴ Acts 1921; Burns 4-1806; Baldwin 1663.

⁵ Acts 1921; Burns 4-1808; Baldwin 1665.

⁶ Acts 1921; Burns 4-1807; Baldwin 1664.

⁷ Acts 1921; Burns 4-1809; Baldwin 1666.

⁸ Acts 1881 (Spec. Sess.); Burns 2-1401; Baldwin 190. Acts 1911; Burns 4-401; Baldwin 1419. Acts 1921; Burns 4-1810, 4-1812, 4-1813; Baldwin 1667, 1669, 1670.

⁹ Acts 1921; Burns 4-1811; Baldwin 1668.

¹⁰ Acts 1907; Burns 4-1716; Baldwin 1635. Acts 1921; Burns 4-1814; Baldwin 1671.

respective offices as they are now or may be required to do by law in the circuit court.¹¹ The prosecuting attorney of the judicial circuit comprising St. Joseph County must prosecute the pleas of the state in this court.¹²

Under the direction of the court the clerk provides order books, judgment dockets, execution dockets, fee books, and such other records as may be necessary to the proper functioning of the court. All books, papers, and proceedings of Superior Court No. 2 are kept distinct and separate from those of other courts.¹³

The records are located in the courthouse.

CIVIL AND CRIMINAL CAUSES

ENTRY OF CAUSES

291. ENTRY DOCKET, ISSUE DOCKET, AND FEE BOOK [Civil], 1921-May 1927. 21 vols. (1-21). June 1927—, in Entry Docket, Issue Docket, and Fee Book [Civil], entry 128.

Record of filing of actions, issuance of writs, and fees in civil causes, showing date of filing; cause number; names of plaintiff, defendant, and attorneys; nature of action; and amount of fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 350 pp. 18 x 12 x 3. Clk. bsmt. vt. 3, sec. C.

292. CRIMINAL ENTRY DOCKET, 1921-May 1927. 2 vols. (1, 2). June 1927—, in Criminal Entry Docket, entry 130.

Record of filing of actions in criminal causes, showing cause number; date of filing; names of defendant and attorney; nature of action; amount of fees; and volume and page reference to Civil [and Criminal] Order Book, entry 310; Judgment Docket [Superior Court No. 2], entry 311. Indexed alph. by names of defendants. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

ORIGINAL DOCUMENTS

293. CIVIL [Causes Pending], 1922—. 56 file boxes.

Documents filed in civil causes pending, including complaints, demurrers, writs, summonses, and subpoenas, showing date of action; cause number; names of plaintiff, defendant, attorneys, and witnesses; and nature of action. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Supr. ct. rm. 2.

294. CIVIL CASES [Disposed of, Superior Court No. 2], 1921—, 105 bdls., 345 file boxes.

Documents filed in civil actions disposed of, including complaints, demurrers, writs, summonses, and subpoenas, showing date of filing; dates and nature of action and writs; names of plaintiff, defendant, and attorneys; amounts of fees and costs; and number and disposition of cause. Arr. by cause nos. For index, 1921-May 1927, see entry 295; June 1927—, see entry 134. Hdw. and typed. Bdls., 9 x 4 x 14; file boxes, 10 x 5 x 15, 30 file boxes, 1921-Nov. 20, 1922, 105 bdls., May 11, 1924-

¹¹ Acts 1921; Burns 4-1804; Baldwin 1661.

¹² Acts 1921; Burns 4-1805; Baldwin 1662.

¹³ Acts 1921; Burns 4-1817; Baldwin 1674.

May 12, 1929, clk. bsmt. vt. 4, secs. B, D; 110 file boxes, Nov. 25, 1922-May 10, 1924, clk. bsmt. vt. 3, sec. B; 205 file boxes, May 13, 1929—, clk. vt. 1.

295. GENERAL INDEX CIVIL, 1921-May 1927. 2 vols. (1, 2). June 1927—, in General Index Civil, entry 134.

Partial index to Civil Cases [Disposed of, Superior Court No. 2], entry 294, showing cause and file box numbers, names of plaintiff and defendant, and volume and page reference to Entry Docket, Issue Docket, and Fee Book [Civil], entry 291 and Civil [and Criminal] Order Book, entry 310. Arr. alph. by names of plaintiffs. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

296. CRIMINAL [Causes Pending], 1923—. 1 file box.

Documents filed in criminal causes pending, including affidavits, indictments, summonses; subpoenas, bonds, and commitments, showing names of defendant, attorney, and witnesses; dates and nature of action and instrument; cause number; and court proceedings. Arr. by cause nos. Hdw. and typed. 10 x 5 x 15. Supr. ct. rm. 2.

297. CRIMINAL CASES [Disposed of, Superior Court No. 2], 1921-Dec. 19, 1935. 16 bdls., 6 file boxes (numbering varies).

Documents filed in criminal actions disposed of, including affidavits, indictments, writs, summonses, subpoenas, bonds, and commitments, showing date of filing; nature of cause and writs; cause and bundle or file box numbers; names of defendant and attorney; amounts of fees and costs; and volume and page reference to Criminal Entry Docket, 1921-May 1927, entry 292; Criminal Entry Docket, June 1927—, entry 130. Arr. by bdl. or file box nos. Hdw. and typed. Bdls. 9 x 4 x 14; file boxes, 10 x 5 x 15. 16 bdls., 1921-May 26, 1929, clk. bsmt. vt. 4, sec. D; 6 file boxes, May 29, 1929, clk. vt. 2.

For subsequent records, see entry 136.

298. GENERAL INDEX CRIMINAL CAUSES, 1921-May 1927. 1 vol.

June 1927-35, in General Index Criminal Causes [Disposed of Circuit Court], entry 137.

Partial index to Criminal Cases [Disposed of, Superior Court No. 2], entry 297, showing name of defendant; cause and bundle or file box numbers; and volume and page reference to Criminal Entry Docket, entry 292; Civil [and Criminal] Order Book, entry 310. Arr. alph. by names of defendants. Hdw. 550 pp. 18 x 12 x 2½. Clk. off.

CRIMINAL INDICTMENTS

299. [INDICTMENT RECORD, SUPERIOR COURT No. 2], 1921-Aug. 17, 1923. In Indictment Record, entry 249. Sept. 1923—, in Record of indictment, entry 140.

Transcripts of indictments returned by grand jury, showing date of filing; cause number; names of defendant, prosecuting attorney, and foreman of grand jury; nature of indictment; and amount of bond.

BONDS

300. [RECOGNIZANCE ORDER BOOK, SUPERIOR COURT No. 2], 1921-Nov. 1927, in Recognizance Order Book, entry 250. Dec. 1927—, in Recognizance Order Book, entry 141.

Transcripts of bonds posted to insure appearance of defendants in court, showing term of court; cause number; names of defendants and sureties; nature of charge; and date, amount, and conditions of bond.

301. [BOND RECORD, SUPERIOR COURT No. 2], 1921-24. In Bond Record, entry 251.

Transcripts of miscellaneous bonds posted in superior court causes, including receivers', appeal, attachment, recognizance, appearance, restitution, commissioners, and replevin bonds, showing names of principals and sureties; and date, number, amount, and conditions of bond.

For subsequent records, see entry 38.

302. [COST BOND RECORD, SUPERIOR COURT No. 2], 1921-May 29, 1924. In Cost Bond Record, entry 252.

Record of bonds posted to insure payment of court costs, showing date, amount, and conditions of bond; names of plaintiff, defendant, and sureties: and date of approval.

For subsequent records, see entry 38.

303. [BOND RECORD APPEAL, SUPERIOR COURT No. 2], 1921-24. In Bond Record [Appeal], entry 253.

Transcripts of bonds posted to insure payment of court costs in causes appealed to other courts, showing cause number; names of appellant, appellee, and sureties; date, amount, and conditions of bond; and amount and nature of judgment rendered in lower court.

For subsequent records, see entry 38.

MINUTES

304. JUDGE'S DOCKET CIVIL [Causes Pending], 1922—. 1 vol.

Judge's minutes of actions and proceedings in civil causes pending, showing dates of filing and action; cause number; nature of action; names of plaintiff, defendant, and attorneys; and disposition. Arr. by cause nos. For index, see entry 305. Hdw. 3000 pp. 12 x 12 x 12. Supr. ct. rm. 2.

305. BAR DOCKET [Index to Civil Causes Pending], 1922—. 1 vol. Index to Judge's Docket Civil [Causes Pending], entry 304, showing names of plaintiff and defendant and cause number. Arr. alph. by names of plaintiffs and defendants. Hdw. 50 pp. 12 x 10 x 1. Supr. ct., rm. 2.

306. [JUDGE'S DOCKET CRIMINAL CAUSES PENDING], 1923—. In Judges Docket [Probate Causes Pending], entry 325.

Judges minutes of actions and proceedings in criminal causes pending, showing dates of filing and action, cause number, nature of action, names of defendant and attorney, and disposition.

307. CLERK'S DOCKET [Index to Criminal Causes Pending], 1923—. In Clerk's Docket [Index to Probate Causes Pending], entry 326.

Index to [Judge's Docket Criminal Causes Pending], entry 306, showing name of defendant and cause number. Arr. alph. by names of defendants.

308. [JUDGE'S DOCKET, CIVIL CAUSES DISPOSED OF], 1921-May 1927.

5 vols. June 1927—, in Recognizance. Order Book, entry 141. Judge's minutes of actions and proceedings in civil causes disposed of,

showing dates of filing and action; cause number; nature of action; names of plaintiff, defendant, and attorneys; and amounts of fees and costs. Arr. by cause nos. Hdw. and typed. 1000 pp. 12 x 12 x 6. Clk. vt. 1.

309. [JUDGE'S DOCKET CRIMINAL CAUSES DISPOSED OF], 1921-May 1927. 3 vols. June 1927—, in [Judge's Docket of Criminal Causes Disposed of], entry 148.

Judge's minutes of actions and proceedings in criminal causes disposed of, showing cause number, date and nature of action, names of defendant and attorneys, and disposition. Arr. by cause nos. Hdw. 800 pp. 12 x 12 x 6. Clk. vt. 1.

ORDERS

310. CIVIL [AND CRIMINAL] ORDER BOOK, 1921—. 25 vols. (1-25). Transcripts of all actions and proceedings in civil and criminal causes, showing cause number; date and nature of action; names of plaintiff, defendant, and attorneys; and disposition. Arr. by cause nos. Typed. 600 pp. 18 x 12 x 3. 20 vols., 1921-May 1935, clk. vt. 1; 5 vols., June 1935—, clk. order bk. rm.

JUDGMENTS

311. JUDGMENT DOCKET [Superior Court No. 2], 1921-May 1927. 3 vols. (1-3). June 1927—, in Judgment Docket [Circuit Court], entry 158.

Record of judgments rendered in civil and criminal causes, showing dates of judgment and satisfaction, cause number, names of plaintiff and defendant, nature and amount of judgment and costs, and volume and page reference to Entry Docket, Issue Docket, and Fee Book [Civil], entry 291; Civil [and Criminal] Order Book, entry 310; and Execution Docket, entry 313. Indexed alph. by names of plaintiffs and defendants; for separate index, see entry 312. Typed. 595 pp. 18 x 13 x 3. Clk. vt. 2.

312. GENERAL INDEX JUDGMENTS [Superior Court No. 2], 1921-May 1927. 1 vol. June 1927—, in General Index Judgments [Circuit Court], entry 159.

Index to Judgment Docket, entry 311, showing date of judgment, names of plaintiff and defendant, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 13 x 3. Clk. vt. 2.

EXECUTIONS

(See also entries 339-342)

313. EXECUTION DOCKET, 1921-Nov. 21, 1928. 1 vol. Nov. 22, 1928—, in Execution Docket, entry 163.

Transcripts of writs for execution issued by court to sheriff to attach or levy against property to satisfy judgments, showing dates of writ and judgment; cause number; names of plaintiff and defendant; amounts of judgment, interest, and costs; and sheriff's return. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. vt. 2.

314. EXECUTIONS, 1921-Feb. 1929. 3 file boxes. Mar. 1929—, in Executions, entry 164.

Original writs of executions issued by court to sheriff to attach or levy against property to satisfy judgments, showing date of writ; execution number; names of plaintiff and defendant; nature and amounts of judgment, interest, costs, and fees; sheriff's return; and volume and page reference to Execution Docket, entry 313. Arr. by execution nos. Typed. 10 x 5 x 15. 1 file box, 1921-Jan. 1924, clk. vt. 1; 2 file boxes, Feb. 1924-29, clk. bsmt. vt. 3, sec. D.

315. [PRAECIPE OF EXECUTIONS, SUPERIOR COURT No. 2], 1921-25, in Praeipie of Executions, entry 265; 1926—, in Praeipie of Executions, entry 165.

Record of orders issued by attorneys of record or plaintiff to clerk to prepare or issue to sheriff writs for execution of decrees or to prepare transcripts for change of venue for appeals to other courts, showing date and nature of order; cause number; and names of plaintiff, defendant, and attorney.

316. EXECUTION DOCKET ORDER OF SALES, SUPERIOR COURT No. 2, 1921-Jan. 16, 1932. 1 vol. Jan. 17, 1932—, in Execution Docket Order of Sales, entry 167.

Transcripts of orders of sale of property sold by sheriff to satisfy judgments, showing dates of judgment, order, and sale; cause number; names of plaintiff, defendant, sheriff, and purchaser; location and description of property; amounts of judgment, interest, costs, fees, and sale; and sheriff's return. Indexed alph. by names of plaintiff and defendants. Hdw. 500 pp. 18 x 12 x 2½. Clk. vt. 2.

317. ORDER OF SALES, 1921-June 6, 1932. 4 file boxes. June 7, 1932—, in Order of Sales, entry 166.

Orders to sheriff to sell property for satisfaction of judgments, proofs of publication, and certificates of sale, showing order number; dates of judgment, order, publication, and sale; names of plaintiff, defendant, attorneys, and purchaser; amounts of judgment, fees, cost, and sale; location and description of property; sheriff's return; and volume and page reference to Execution Docket Order of Sale, Superior Court 2, entry 316. Arr. by order nos. Typed. 10 x 5 x 15. Clk. vt. 1.

318. LIS PENDENS, COMPLAINTS, 1921—. 1 vol.

Transcripts of complaints filed against owners of property that may be subject to levy for satisfaction of judgments, showing cause number; date of filing; nature of complaint; names of plaintiff, defendant, and attorneys; and location and description of property. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 13 x 2½. Clk. vt. 1.

319. LIS PENDENS, SHERIFF'S NOTICES, 1922—. 1 vol.

Transcripts of notices of attachment of property to satisfy judgments, showing cause number; date of filing; names of plaintiff, defendant, and sheriff; description of property; and volume and page reference to Judgment Docket [Superior Court No. 2], entry 311. Arr. alph. by names of plaintiffs and defendants. Hdw. 350 pp. 18 x 13 x 2. Clk. vt. 1.

320. LIS PENDENS, SHERIFF'S CERTIFICATES, 1921-Dec. 3, 1927. 1 vol. Dec. 4, 1927—, in *Lis Pendens Sheriff's Certificates*, entry 174.

Transcripts of certificates issued to purchasers of property sold to satisfy judgments, showing dates of judgment and sale; cause number; names of plaintiff, defendant, purchaser, and sheriff; amounts of judgment, interest, costs, and sale; location and description of property; and date of redemption. Indexed alph. by names of plaintiffs and defendants. Hdw. 280 pp. 18 x 13 x 3. Clk. vt. 2.

321. [REDEMPTION RECORD, STATEMENTS, AFFIDAVITS, AND CERTIFICATES, SUPERIOR COURT NO. 2], 1921—. In *Redemption Record, Statements, Affidavits, and Certificates*, entry 270.

Record of statements and affidavits of right to redeem and redemption of property sold to satisfy judgments, showing dates of statement, affidavit, and redemption; cause number; names of plaintiff, defendant, and redeemer; location and description of property; and volume and page reference to Execution Docket Order of Sales, Superior Court No. 2, entry 316.

PROBATE CAUSES

ENTRY OF CAUSES

322. ESTATES, ENTRY, CLAIM AND ALLOWANCE DOCKET AND FEE BOOK, 1921-May 20, 1927. 4 vols. (1-4). May 21, 1927—, in *Estates, Entry, Claim and Allowance Docket and Fee Book*, entry 185.

Record of filing of actions, claims presented, and allowances made in settlement of estates, showing cause number; names of estate, claimant, administrator or executor, and sureties; dates of filing, decedent's death, letters of administration, inventory, and appraisement; inheritance tax schedule, allowance, and publication; amounts of estate, administrator's or executor's bond, inheritance tax, claims, allowances, and fees; and receipt of satisfaction of claimant. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 12 x 3. Clk. off.

ORIGINAL DOCUMENTS

323. ESTATES [Settled], 1921-Mar. 6, 1935. 11 file boxes (1-11). Mar. 7, 1935—, in *Estates [Settled]*, entry 187.

Documents filed in settlement of estates, including inventories, appraisements, reports of administrator or executor, application for letters of administration, proofs of publication, orders in final settlement, and receipts for payment of claims, showing dates of filing and settlement; cause and file box numbers; names of estate, administrator or executor, and attorneys; and volume and page reference to Probate Order Book, entry 329. Arr. by file box nos. Hdw. 10 x 5 x 15. Clk. vt. 2.

BONDS

324. ADMINISTRATOR'S, EXECUTOR'S, AND GUARDIAN'S BONDS, OATHS, AND LETTERS, 1921-Mar. 20, 1922. 1 vol.

Transcripts of bonds posted, letters of administration issued, and oaths administered to guardians, executors, or administrators of estates to

insure faithful administration of duties, showing dates of bond and appointment; names of estate, heirs, guardian, executor or administrator, and sureties; and amount and conditions of bond. Indexed alph. by names of guardians, executors, or administrators. Hdw. 650 pp. 16 x 11 x 2½. Clk. bsmt. vt. 4, sec. A.

For subsequent records, see entry 329.

MINUTES

325. JUDGES DOCKET [Probate Causes Pending], 1921—. 1 vol. Judge's minutes of court actions and proceedings in estate and guardianship causes pending, showing dates of filing and proceedings; nature and number of cause; names of estate, administrator or executor, claimant, and guardian; and disposition. Also contains: [Judge's Docket Criminal Causes Pending], 1923—, entry 306. Arr. by cause nos. For index, see entry 326. Hdw. 1500 pp. 12 x 12 x 7. Supr. ct. rm. 2.

326. CLERK'S DOCKET [Index to Probate Causes Pending], 1921—. 1 vol.

Index to Judge's Docket [Probate Causes Pending], entry 325, showing names of administrator or executor, and guardian; cause number; and volume and page reference to recording. Also contains: Clerk's Docket [Index to Criminal Causes Pending], 1923—, entry 307. Arr. alph. by names of administrators, executors, claimants, or guardians. Hdw. 100 pp. 12 x 10 x 1. Supr. ct. rm. 2.

327. [JUDGE'S DOCKET PROBATE CAUSES DISPOSED OF, SUPERIOR COURT No. 2], 1921-June 1927. In [Judge's Docket Probate Causes Disposed of], entry 278. July 1927—, in [Judge's Docket] Estate, entry 201; [Judge's Docket] Guardianships, entry 202; [Judge's Docket], Claims, entry 203.

Judge's minutes of actions and proceedings in settlement of estates and guardianships, showing dates of filing, letters of appointment, and action; names of estate, guardianship, administrator or executor, guardian, and sureties; and amount of bond.

328. GUARDIANSHIP DOCKET AND FEE BOOK, 1921-Apr. 13, 1928. 1 vol. Apr. 14, 1928—, in Guardianship Docket and Fee Book, entry 200.

Record of actions and proceedings in guardianship causes, showing cause number; date of action; names of ward, guardian, and sureties; appointment of guardian; amount of bond; inventory of property; age and birthdate of ward; amount of fees; and volume and page reference to Probate Order Book, entry 329. Indexed alph. by names of wards and guardians. Hdw. 400 pp. 18 x 14 x 2½. Clk. off.

ORDERS

329. PROBATE ORDER BOOK, 1921—. 5 vols. (1-5).

Transcripts of all actions and proceedings in probate causes, showing cause number; dates of filing, action, and settlement; names of estate, guardianship, heirs, witnesses, administrator or executor, and guardian; nature of action; and disposition. Indexed alph. by names of estates or guardianships and administrators, executors, or guardians. Typed. 600 pp. 18 x 12 x 3. 3 vols., 1921-Apr. 24, 1933, clk. vt. 1; 2 vols., Apr. 25, 1933—, prob. comr. rm.

MISCELLANEOUS RECORDS

JURIES

330. JURY TIME BOOK, 1921—. 2 vols. (1, 2).

Record of days served and fees and mileage allowed for grand and petit jury services, showing date of service, name of juror, number of days served, miles traveled, and amount of allowance. Arr. by dates of services. Hdw. 200 pp. 18 x 12 x 1½. Supr. ct. rm. 2.

CLAIMS

331. [ALLOWANCES, SUPERIOR COURT No. 2], 1921—. In Allowances, entry 284.

Claims and allowances approved by judge for services rendered by court officials, showing dates of claim, allowance, and filing; names of payee and court; and purpose and amount of claim and allowance.

VIII. SHERIFF

The sheriff is a constitutional officer, elected for a two-year term. The office of sheriff is established in St. Joseph County under the Constitution of 1851 and the Revised Statutes of 1852, and no person is eligible to hold it more than four years in any six-year period. The sheriff is commissioned by the governor, and must post a bond of not less than five thousand dollars nor more than fifteen thousand dollars as determined by the board of commissioners.¹

Prior to the Constitution of 1851, the office of sheriff was established in St. Joseph County at the time of its organization in 1830. On April 17 of that year, the governor, under the authority of the Constitution of 1816 and the Revised Statutes of 1824,² commissioned a sheriff for the new county. This commission was not received and on June 24, 1830 the governor issued a duplicate commission.³

The sheriff is a conservator of the peace within the county. He is required to arrest without process, all persons who within his view commit any crime or misdemeanor, and detain them in custody during investigation of the cause of the arrest; suppress all breaches of the peace, with authority to call to his aid the power of the county; pursue and commit to jail all felons; maintain the jail and take care of the prisoners confined therein; execute all process directed to him by legal authority; and preserve and maintain order in all courts in the county, except those of justice of the peace.⁴ He makes arrests on warrants issued on indictments and affidavits and commits the arrested persons to jail or holds them to bail as provided by law; serves summonses in case of misdemeanors;⁵ and protects persons from being lynched.⁶

The sheriff sells property on execution and in mortgage foreclosure

¹ Const., art. 6, sec. 2; 2 Rev. Stat. 1852, Acts 1937; Burns, 1938 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

² Const. 1816, art. 4, sec. 25. Rev. Laws 1824, ch. 100, sec. 6.

³ Executive Proceedings, 1823-36, 476.

⁴ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

⁵ Acts 1905, 1937; Burns, 1938 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

⁶ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531.

proceedings;⁷ executes deeds to real estate sold by him;⁸ conveys persons committed to state charitable, correctional, and penal institutions;⁹ and attends sessions and executes orders of the county council¹⁰ and board of commissioners.¹¹ He is also a deputy of the sheriff of the supreme court of the state¹² and as such serves all process and orders of the supreme and appellate courts.¹³

Whenever the sheriff is legally incapacitated or unable to attend to his duties, the coroner performs them;¹⁴ and if both the sheriff and coroner are unable to act, it is then the duty of the circuit court to appoint an elisor who discharges the sheriff's duties until the disability of the sheriff or coroner is removed.¹⁵

The principal records kept by the sheriff are a cash book, a fee book,¹⁶ and a jail record.¹⁷

The records are located in the courthouse unless otherwise specified in the entry.

SERVICE ON WRITS

332. SHERIFF'S CRIMINAL DOCKET, 1913—. 3 vols. (2, 3, 2).

Record of service on writs in criminal causes, showing date and kind of writ, number and nature of cause, names of defendant and attorneys, and amounts of bond and fees. Also contains: Sheriff's Juvenile Docket, 1932—, entry 336. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 3. 2 vols., 1913-Jan. 4, 1925, sub-bsmt. vt., sec. C; 1 vol., Jan. 5, 1925—, sher. off.

For prior records, see entries 334, 335.

333. SHERIFF'S CRIMINAL AND MISCELLANEOUS DOCKET INSANE, 1919—. 1 vol.

Record of service on writs in criminal, miscellaneous, and insanity causes, showing date and kind of writ, number and nature of cause, names of person processed and sureties, and amount of bond and fees. Indexed alph. by names of persons processed. Hdw. 250 pp. 18 x 12 x 2. Sher. off.

For prior records, see entries 334, 335.

334. SHERIFF'S CRIMINAL AND MISCELLANEOUS DOCKET [Circuit Court], 1909-Jan. 8, 1919. 1 vol.

Record of service on writs in criminal, probate, and insanity causes, showing date and kind of writs, number and nature of cause, name of person processed, and amount of fees. Also contains: Sheriff's Juvenile

⁷ Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

⁸ Acts 1881 (Spec. Sess.) Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

⁹ Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264. Acts 1927; Burns 22-1213; Baldwin 4305.

¹⁰ Acts 1899; Burns 26-510; Baldwin 5374.

¹¹ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹² 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852, Acts 1889; Burns 49-2204; Baldwin 1340.

¹³ Acts 1891; Burns 4-230; Baldwin 1378.

¹⁴ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

¹⁵ 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

¹⁶ Acts 1895; Burns 49-1401; Baldwin 7576.

¹⁷ Acts 1909; Burns 13-1007; Baldwin 13459.

Docket, 1902-12, entry 336. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 13 x 2½. Sub-bsmt. vt., sec. C.

For subsequent records, see entries 332, 333.

335. SHERIFF'S CRIMINAL AND MISCELLANEOUS DOCKET [Superior Courts], 1909-Nov. 1928. 2 vols. (1, 1).

Record of service on writs in criminal and probate causes of superior courts, showing date and kind of writ, number and nature of cause, names of parties to action, and amount of fees. Also contains: Sheriff's Juvenile Docket, 1909-12, entry 336; Sheriff's Criminal and Miscellaneous Docket Insane, 1909-19, entry 333. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 13 x 2½. Sub-bsmt. vt., sec. C.

For subsequent records, see entries 332.

336. SHERIFF'S JUVENILE DOCKET, 1913-31. 1 vol. 1909-12, in Sheriff's Criminal and Miscellaneous Docket [Circuit Court], entry 334; 1932—, in sheriff's Criminal Docket, entry 332.

Record of service on writs in Juvenile causes, showing dates and kind of writ, number and nature of cause, name of defendant, amount of fees. Indexed alph. by names of defendants. Hdw. 350 pp. 18 x 13 x 3. Sub-bsmt. vt., sec. C.

337. SHERIFF'S JURY REGISTER, 1913-Sept. 8, 1928. 1 vol.

Register of writs served and fees charged for summoning persons to serve on petit and grand jury, showing name of person summoned, date and nature of service, and amount of fees. Arr. by dates of services. Hdw. 250 pp. 18 x 12 x 2. Sub-bsmt. vt., sec. C.

For subsequent records, see entries 357, 358, 359.

338. SHERIFF'S DOCKET [Common Pleas Court], 1859-72. 1 vol. Record of service on writs in civil, criminal, and probate causes, showing dates of service and return; kind of writ; cause number; names of plaintiff, defendant, and witnesses; and amount of fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2½. Sub-bsmt. vt., sec. C.

EXECUTIONS ON JUDGMENTS

(See also entries 163-176, 262-270, 313-321)

339. [SHERIFF'S] STATEMENTS, 1913—. 10 vols.

Record of property sold by sheriff to satisfy judgments; showing dates of judgment, sale, and publication; names of plaintiff, defendant, and purchaser; and amounts of judgment, sale, fees, and costs. Arr. by cause nos. Hdw. 300 pp. 12 x 10 x 3. Sher. off.

340. SHERIFF'S EXECUTION DOCKET, 1923—. 4 vols. (2-5).

Record of executions for satisfaction of judgments, showing dates of judgment, execution, and sheriff's return; cause number; names of plaintiff, defendant, and court; and amounts of judgment, interest, and costs. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. 1 vol., 1923-27, sub-bsmt. vt., sec. C; 3 vols., 1928—, sher. off.

341. CERTIFICATES [of Sales], 1927—. 4 file boxes.

Original certificates of sale issued to purchasers for property sold to satisfy judgments, showing dates of judgment, certificate, and sale; cause number; names of plaintiff, defendant, and purchaser; amounts of

judgment, interest, costs, and sale; and location and description of property. Arr. by dates of certificates. Typed. 10 x 5 x 15. Sher. off.

342. ORDER OF SALES—COST NOT PAID, 1930-35. 2 file boxes.

Orders to sheriff to sell property to satisfy judgments on which cost has not been paid, showing dates of judgment, order, and sale; names of plaintiff and defendant; amounts of judgment, interest, and cost; and location and description of property. Arr. by dates of orders. Typed. 10 x 5 x 15. Sher. off.

JAIL RECORDS

343. JAIL REGISTER, 1913—. 6 vols. (1, 2, 16, 16-18).

Record of persons confined in county jail, showing dates of commitment and release; name, age, sex, color, and residence of prisoner; nature of offense; amount of bail; number of meals served; cost of board and by whose order confined or released. Arr. by dates of commitments. Hdw. 375 pp. 18 x 12 x 3. 2 vols., 1913-Jan., 1930, sub-bsmt. vt., sec. C; 4 vols., Feb., 1930—, jail off.

REPORTS

344. [POULTRY DEALER'S REPORTS TO SHERIFF], 1937—. 2 file boxes. Original reports to sheriff from dealers of poultry purchased, showing name of dealer; dates of report and purchase; automobile or truck license number; description of poultry; and name and address of person from whom purchased. Arr. alph. by names of dealers. Hdw. 16 x 14 x 3. Sher. off.

345. [REPORT ON STOLEN AUTOMOBILES, ACCESSORIES, AND ARTICLES], 1937—. 2 vols.

Reports to sheriff of stolen automobiles, accessories, and miscellaneous articles, showing date of report, time received, names and addresses of complainant and defendant, nature of complaint, and number and description of article. Arr. by dates of reports. Hdw. 200 pp. 9 x 9 x 1½. Jail off.

346. REPORTS ON STOLEN AUTOS [and Missing Persons], 1937—. 1 vol.

Mimeographed reports from state police of property and automobiles stolen and missing persons, showing date and number of report, date of theft or disappearance, and description of article or missing person. Arr. by dates of reports. Mimeographed. 200 pp. 9 x 12 x 2. Jail off.

347. REPORTS OF AUTO ACCIDENTS, 1937—. 1 vol.

Duplicate reports of auto accidents to state department of public safety bureau of accident prevention, showing date, time, and location of accident; description of vehicles involved; names and addresses of vehicle owners, persons injured, and witnesses; licenses and telephone numbers of owners; diagram of accident; date of report; and name and address of person submitting report. Arr. by dates of reports. Hdw. 200 pp. 12 x 14 x 2. Jail off.

348. PERSONS WANTED, 1938—. 1 vol.

Identification cards of wanted persons by U. S. Department of Justice, showing dates of card, photograph, and criminal record; name, fingerprints, description, and previous convictions of criminal; and names and

addresses of relatives. Arr. by dates of cards. Printed. 100 pp. 12 x 10 x 2. Jail off.

FIREARMS

(See also entries 63, 64)

349. [APPLICATION FOR LICENSE TO SELL FIREARMS], 1935—. 1 vol. Record of applications to sell firearms, showing dates of application and license, names and addresses of applicant and firm, application number, and certification of sheriff. Arr. by dates of applications. 200 pp. 16 x 9 x 1. Sher. off.

350. RECORD OF FIREARMS SOLD BY DEALERS, 1935—. 1 vol. Register of firearms sold, showing date of purchase; number, make, model, and calibre of firearms; names and addresses of dealer and purchaser; and description and place of birth of purchaser. Arr. by dates of purchases. Hdw. 200 pp. 12 x 18 x 1. Sher. off.

FEE AND CASH BOOKS

351. SHERIFF'S CASH BOOK, 1892—. 3 vols. (1 and 2 vols. not numbered).

Record of cash received and disbursed by sheriff in execution of sales of property to satisfy judgments and in serving writs, showing date, nature, and amount of receipt or disbursement; number and nature of cause; receipt number; names of payer and payee; and date of payment to county treasurer. Arr. by dates of receipts or disbursements. Hdw. 500 pp. 18 x 12 x 3½. 1 vol., 1892-June 1914, sub-bsmt. vt., sec. C; 2 vols., July 1914—, sher. off.

352. SHERIFF'S FEE BOOK [Probate], 1921—. 1 vol.

Register of fees collected for services on writs in probate causes, showing dates of writ, service, and return; cause number; kind of writ; names of principals; amount of bond; and amount of fees. Indexed alph. by names of principals. Hdw. 600 pp. 18 x 12 x 3. Sher. off.

For prior records, see entries 334, 335.

353. SHERIFF'S FEE BOOK [All Courts], 1927—. 10 vols. (1-10).

Register of fees collected for service on writs, showing date of writ, service, and return; cause number; kind of writ; names of plaintiff, defendant, and sureties; date of bond; and amounts of bond and fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. Sher. off.

For prior records, see entries 354, 355, 356.

354. SHERIFF'S FEE BOOK [Circuit Court], 1892-June 6, 1927. 11 vols. (numbering varies).

Register of fees collected for service on writs, showing date of writ, service, and return; number and nature of cause; kind of writ; names of plaintiff, defendant, and sureties; date of bond; and amounts of bond and fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. 5 vols., 1892-June 1909, sub-bsmt., vt., sec. C; 6 vols., July 1909, sher. off.

For subsequent records, see entry 353.

355. SHERIFF'S FEE BOOK [Superior Court 1], 1907-June 4, 1927. 8 vols. (1-8).

Register of fees collected for service on writs, showing date and kind of writ, number and nature of cause, names of plaintiff and defendant, and amount of fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. 5 vols., 1907-Nov. 1922, sub-bsmt. vt., sec. C; 3 vols., Dec. 1922-27, sher. off.

For subsequent records, see entry 353.

356. SHERIFF'S FEE BOOK [Superior Court 2], 1921-June 4, 1927. 5 vols. (1-5).

Register of fees collected for service on writs, showing date and kind of writ; number and nature of cause; names of plaintiff and defendant, and amount of fees. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. Sub-bsmt. vt., sec. C.

For subsequent records, see entry 353.

357. [MILEAGE CLAIM RECORD CIRCUIT COURT], 1936—. 1 vol.

Record of fees charged for mileage traveled in serving writs in civil, criminal, and probate causes, showing date of service, cause number, name of person processed, number of miles traveled, and amount of fee. Arr. by dates of services. Hdw. 200 pp. 10 x 12 x 1½. Sher. off.

358. [MILEAGE CLAIM RECORD SUPERIOR COURT 1], 1936—. 1 vol.

Record of fees charged for mileage traveled in serving writs in civil, criminal, and probate causes, showing date of service, cause number, name of person processed, number of miles traveled, and amount of fee. Arr. by dates of services. Hdw. 200 pp. 10 x 12 x 1½. Sher. off.

359. [MILEAGE CLAIM RECORD SUPERIOR COURT 2], 1937—. 1 vol.

Record of fees charged for mileage traveled in serving writs in civil, criminal, and probate causes, showing date of service, cause number, name of person processed, number of miles traveled, and amount of fee. Arr. by dates of services. Hdw. 200 pp. 10 x 12 x 1½. Sher. off.

IX. CORONER

The coroner is a constitutional officer, elected for a two-year term without restriction on re-election. The office is established in St. Joseph County under the Constitution of 1851 and the Revised Statutes of 1852. The coroner is commissioned by the governor and must post a bond of not less than one thousand nor more than five thousand dollars, as fixed by the board of commissioners.¹

Prior to 1851, the office of coroner was established in St. Joseph County in 1830, when the governor commissioned the first coroner on November 1,² under the Constitution of 1816 and the authority of the Revised Statutes of 1824.³ There has been no major change in the office, other than the abolition of the coroner's jury⁴ and the consequent transformation of the inquest from a court hearing in public to a formal nonjudicial inquiry.⁵

¹ Const., art. 6, sec. 2. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

² Const., 1816, art. 4, sec. 25. Rev. Laws 1824, ch. 100, sec. 6.

³ Executive Proceedings, 1823-36, 476.

⁴ Acts 1879; Burns 49-2905; Baldwin 5444.

⁵ Acts 1817-18 (general), ch. 20, secs. 1-9. See also Stults v. Board of Commissioners, 168 Ind. 539; 81 N. E. 471.

The coroner is required to investigate deaths by violence, accident, or other than natural causes; to inquire into the cause and manner of death;⁶ and to order the arrest of any person whom he may charge with murder.⁷ He holds inquests without a jury;⁸ and may subpoena witnesses and employ a physician to make a post-mortem examination;⁹ draws up his verdict,¹⁰ and files it in the office of the circuit court, together with a report giving a minute description of the deceased and valuables found with the body.¹¹ He is a peace officer with the same power as the sheriff,¹² and acts as sheriff in event of absence, personal interest, or incapacity of that officer, or of vacancy in the office,¹³ and arrests and commits to jail the sheriff, if necessary.¹⁴

The records are located in the courthouse.

360. CORONER'S INQUEST, 1882—. 48 bdls., 32 file boxes (1-80).

Papers pertaining to coroner's inquests of violent or sudden deaths, showing case number; date of inquest; name, address, and description of deceased; place and cause of death; statements of witnesses; and coroner's verdict. Arr. by case nos. For index, 1935—, see entry 362. 1882-1908, hdw.; 1909—, typed. Bdls., 9 x 4 x 10; file boxes, 10 x 5 x 15. 48 bdls., 1882-Nov. 16, 1923, clk. bsmt. vt. 4, sec. D; 32 file boxes, Nov. 28, 1923—, clk. vt. 1.

361. CORONER'S RECORD, 1894-1924, 1931—. 5 vols.

Record of inquests of sudden or violent deaths, showing date of inquest; name and description of decedent; date, place, and cause of death; names and testimony of witnesses; and coroner's verdict. Indexed alph. by names of decedents; for separate index, 1935—, see entry 362. Hdw. 650 pp. 12 x 11 x 2½. 3 vols., 1894-1924, clk. bsmt. vt. 3; 1 vol., 1931-Nov. 10, 1935, clk. vt. 1; 1 vol., Nov. 14, 1935—, cor. off.

362. GENERAL INDEX CORONER'S INQUESTS, 1935—. 1 vol.

Partial index to Coroner's Inquest, entry 360 and Coroner's Record, entry 361, showing name of decedent and volume and page reference to recording. Arr. alph. by names of decedents. Hdw. 500 pp. 18 x 12 x 2½. Cor. off.

X. PROSECUTING ATTORNEY

The prosecuting attorney is a constitutional officer, elected in each judicial circuit for a two-year term, without restriction on re-election.¹ St. Joseph County now constitutes the sixtieth circuit,² and a prosecuting attorney is elected therein under the Constitution of 1851 and

⁶ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1937 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

⁷ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

⁸ Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

⁹ 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

¹⁰ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 2908; Baldwin 5442.

¹¹ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443.

¹² 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

¹³ 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

¹⁴ 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

¹ Const., art. 7, sec. 11.

² Acts 1897, ch. 13, sec. 2.

the Revised Statutes of 1852.³ He is required to execute a bond in the amount of five thousand dollars, to be approved by the judge of the circuit court and filed with the clerk.⁴

At the time of the organization of St. Joseph County, the prosecuting attorney of the county was elected by a joint ballot of the state senate and house of representatives for the circuit, to hold office for a two-year term.⁵

At first, the compensation to the prosecuting attorney consisted of a small salary, supplemented by docket fees in criminal convictions.⁶ Lacking both in dignity and compensation, the office was hard to fill and even when appointment was accepted, the prosecutor was frequently absent; in such absences all payments made to substitute appointees were deducted from the regular prosecutor's salary, hence the custom of appointment by the court continued, despite attempts of the general assembly to establish the prosecutor as a public officer.⁷

The general assembly, in 1843, provided for the election of the prosecuting attorney by the voters of the circuit.⁸ In 1847, the prosecuting attorney was made an officer of the county, elected by the voters thereof.⁹ The act of 1847 was repealed in 1851, and the provisions of the act of 1843 were restored;¹⁰ these provisions were virtually continued, under the Revised Statutes of 1852, to the present time.¹¹

St. Joseph County was a part of the first circuit when organized in 1831,¹² and the eighth circuit in 1833.¹³ In 1836, it became a part of the ninth circuit¹⁴ and, in 1873, of the thirty-second circuit.¹⁵ Since 1897, it has alone constituted the sixtieth circuit.¹⁶ During the existence of the court of common pleas (1852-73) in which system St. Joseph County constituted part of a district,¹⁷ there was a district attorney who prosecuted the pleas of the state in that court and the courts of justices of the peace in the district.¹⁸

There has been little change in the duties of the prosecuting attorney since he became a constitutional officer.¹⁹ He prosecutes the pleas of the state²⁰ in all courts of St. Joseph County, including the courts of justices

³ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

⁴ 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁵ Acts 1826-27, ch. 17, sec. 1. Rev. Laws 1831, ch. 10, sec. 1. Civil [and Criminal] Order Book, Circuit Court, 1:1.

⁶ Rev. Laws 1824, ch. 24, secs. 12, 13. Acts 1825-26, ch. 44, secs. 1, 2, 4. Acts 1826-27, ch. 17, sec. 2. Rev. Laws 1831, ch. 10, sec. 5.

⁷ Rev. Laws 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, sec. 1. Leander J. Monks, *et al.*, *Courts and Lawyers of Indiana*, 1:113-16, 323, 324.

⁸ Acts 1842-43 (general), ch. 15, sec. 1.

⁹ Acts 1846-47 (general), ch. 13, sec. 1.

¹⁰ Acts 1850-51, ch. 132, secs. 1, 2.

¹¹ 2 Rev. Stat. 1852; Burns 49-2501 to 49-2504; Baldwin 5456 to 5460.

¹² Rev. Laws 1831, ch. 23, sec. 1.

¹³ Acts 1832-33, ch. 3, sec. 1.

¹⁴ Acts 1836-37 (general), ch. 8, sec. 2.

¹⁵ Acts 1873, ch. 29, sec. 33.

¹⁶ Acts 1897, ch. 13, sec. 2. Acts 1901; Burns 4-332; Baldwin, 1935 suppl., 1415-1.

¹⁷ 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 3. Acts 1859, ch. 51, sec. 3.

¹⁸ 2 Rev. Stat. 1852, pt. 3, ch. 3, sec. 1. Acts 1873, ch. 29, sec. 79.

¹⁹ Monks, *op. cit.*, 1:324.

²⁰ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

of the peace, as provided by law.²¹ He appears before the grand jury to furnish information relative to matters cognizable by it or advice upon any legal matter, and signs all indictments found, but is excluded from its deliberations.²² He may also prosecute by affidavit persons accused of public offenses except treason and murder.²³ He conducts all prosecutions for felonies and misdemeanors in St. Joseph County, and all suits on forfeited recognizances, resists applications for changing names, and superintends, on behalf of the county, all suits in which the county or its trust funds may be interested or involved.²⁴ He defends persons of unsound mind or incapable of managing their business affairs by reason of old age or other infirmity, and protects their interests;²⁵ resists undefended actions for divorce;²⁶ and prosecutes bastardy proceedings.²⁷

The prosecuting attorney may take acknowledgments to deeds or other instruments in writing, administer oaths, protest notes and checks, take deposition of witnesses, and perform any duty now conferred on a notary public.²⁸

363. [DISPOSED OF CASES], 1931—. 1 file drawer.

Duplicates of instruments filed in criminal causes, showing dates of instruments, court trial, and verdict; names of prosecutor, defendant, attorneys, and witnesses; nature of instrument; and court decision. Arr. by dates of verdict. Hdw. and typed. 12 x 16 x 36. Pros. atty. off., I. O. O. F. Bldg., South Bend.

364. [CRIMINAL CASES PENDING], 1937—. 1 file drawer.

Court papers of pending criminal causes, showing date and nature of instrument; cause number; names of prosecuting attorney, defendant, and court; and nature of offense. Arr. alph. by names of defendants. For index, see entry 365. Typed. 12 x 16 x 36. Pros. atty. off., I. O. O. F. Bldg., South Bend.

365. [INDEX TO PENDING CASES], 1937—. 7 file drawers.

Card index to [Criminal Cases Pending], entry 364, showing date of trial; cause number; names of prosecuting attorney, defendant, and court; and nature of charge. Arr. by cause nos. Typed. 1 x 7 x 30. Pros. atty. off., I. O. O. F. Bldg., South Bend.

366. [PROSECUTOR'S FEES], 1939. 1 file drawer.

Duplicate reports submitted to auditor of all prosecutor's fees and costs collected, showing dates of report and payment of fees and costs, cause number, names of court and defendant, and total fees and costs collected. Arr. by dates of reports. Typed. 12 x 16 x 36. Pros. atty. off., I. O. O. F. Bldg., South Bend.

²¹ Acts 1907; Burns 4-1710; Baldwin 1629. Acts 1921; Burns 4-1805; Baldwin 1662. Acts 1933; Burns 49-2695; Baldwin 7550.

²² Acts 1905; Burns 9-826, 9-901; Baldwin 2122, 2123.

²³ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

²⁴ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

²⁵ *Ibid.* 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460. Acts 1911, 1919; Burns 8-301; Baldwin 3472.

²⁶ Acts 1873; Burns 3-1212; Baldwin 916. Acts 1913; Burns 3-1213; Baldwin 917.

²⁷ 2 Rev. Stat. 1852; Burns 3-622; Baldwin 867.

²⁸ Acts 1919; Burns 49-2507; Baldwin 5463.

XI. ASSESSOR

The assessor of St. Joseph County is a statutory officer, elected for a four-year term, and must have been a continuous resident freeholder of the county for not less than four years prior to the date of his election. Within ten days after his election, he must post a bond for five thousand dollars, approved by and filed with the auditor.¹ The office of assessor was established in its present form by an act of 1891² and re-established in 1919.

The board of justices appointed the first assessor of St. Joseph County on August 27, 1830, under the authority of the Revised Laws of 1824.³

The general assembly, in 1841, provided for the election of a county assessor in each county of the state for a two-year term.⁴ Under this law, the office of assessor existed in St. Joseph County until it was discontinued in 1852 and replaced by the office of assessor in each township in the county.⁵ From 1841 to 1872, the periodic assessment of real property was made by an appraiser or appraisers—the office was not continuous but only for the year in which the real estate assessment was made.⁶ The office of county assessor replaced that of appraiser in 1872, only to be abolished three years later and the duties transferred to the township assessors.⁷ It was established in 1891 in its present form.⁸

The duties of the county assessor are: To examine carefully tax duplicates and other records in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors, and to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessor's books; to list and assess any omitted property which he discovers at any time of the year; to instruct and advise the township assessors; to report to the state board of tax commissioners any delinquencies of township assessors;⁹ to set a value upon intangibles for taxation;¹⁰ and to appraise estates for inheritance taxes.¹¹ He is ex officio member and president of the St. Joseph County Board of Review.¹² He is subject to the orders of the state board of tax commissioners, and may be removed by that board, after a hearing, for incompetency, neglect of duty, or misconduct in office.¹³

¹ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

² Acts 1891, ch. 99, sec. 112.

³ Rev. Laws 1824, ch. 86, sec. 5. Commissioners' Record, 1:3.

⁴ Acts 1840-41 (general), ch. 3, sec. 1.

⁵ 1 Rev. Stat. 1852, ch. 6, sec. 14; ch. 92, sec. 1.

⁶ Acts 1840-41 (general), ch. 1, secs. 1, 5. Acts 1850-51 (general), ch. 5, sec. 1.
⁷ 1 Rev. Stat. 1852, ch. 6, sec. 44. Acts 1858 (Spec. Sess.), ch. 2, sec. 1. Acts 1872 (Spec. Sess.), ch. 37, sec. 276.

⁸ Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276. Acts 1875, ch. 97, sec. 9.

⁹ Acts 1891, ch. 99, sec. 112.

¹⁰ Acts 1919; Burns 64-1102; Baldwin 15698.

¹¹ Acts 1933, 1935; Burns, 1938 suppl., 64-905; Baldwin, 1935 suppl., 15903.

¹² Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

¹³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁴ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

The assessor is required to return to the auditor all township assessors' books, returns, lists, schedules, and other papers received by him from the auditor, together with such additional books, lists, assessments, and papers as he has made thereto on or before the first Monday after July 4 of each year.¹⁴

The records are located in the courthouse.

367. CORPORATIONS, 1922—. 4 file boxes. Title varies: Business. File cards of assessed valuation of business establishments, showing name of firm or corporation, nature of business, date of assessment, and amount of assessed valuation. Arr. alph. by names of corporations. Typed. 10 x 5 x 13. Assr. main off.

368. SCHEDULES, 1931—. 2 boxes, 3 file drawers.

Duplicate schedules of all property and affidavits of executors, administrators, trustees, or heirs for inheritance tax appraisal, showing dates of schedule, decedents death, letters of administration granted, and will admitted to probate; names of estate, administrator, executor, trustee, or heirs; and location, description, and assessed and fair market valuation of property. Arr. alph. by names of estates. Typed. Boxes, 20 x 24 x 32; file drawers, 12 x 14 x 32. Assr. off.

For other inheritance tax records, see entries 118, 206, 390, 391, 471.

369. INTANGIBLE TAX, 1933—. 5 bdl.

Applications for determining valuation and amount of tax on intangibles, showing date of application; name of applicant; and description, face value, and assessed valuation of intangibles. Arr. by dates of applications. Hdw. 10 x 5 x 15. Assr. main off.

For other intangible tax records, see entries 120, 401, 423.

370. [DEPUTY ASSESSOR OATHS], 1936—. 1 file box. 1899-1916, in Board of Review and Deputy Assessor Assignments, entry 372. Lists of appointments and oaths of deputy assessors in each township, showing dates of appointment and filing; names of deputy, township, and assessor; oath assuring faithful discharge of duties; and certificate of appointment. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. D.

XII. BOARD OF REVIEW

The board of review of St. Joseph County, established under an act of 1891¹ and re-established in 1919, reviews assessments and equalizes the valuation of real and personal property. Its members are the assessor, auditor, and treasurer, ex officio, and two freeholders of opposite political parties, appointed by the judge of the circuit court. The assessor is president and the auditor is secretary.²

From the organization of the county to 1872, personal property was assessed annually by an assessor, either the county assessor or the township assessor, and real property was assessed only periodically by the appraiser; since 1872 all property has been assessed by township assessors.

¹⁴ Acts 1919; Burns 64-1102; Baldwin 15698.

¹ Acts 1891, ch. 99, sec. 114.

² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

Prior to 1891, there was a county board of equalization, consisting of the board of commissioners and later certain additional members: From 1830, when St. Joseph County was organized, to 1839, the clerk of the circuit court met with the assessor or assessors and compared their assessment rolls, corrected all double listings, erroneous descriptions of lands and lots, or other mistakes, and laid the rolls for acceptance before the board doing county business.³ In 1839, the board of commissioners, clerk of the circuit court, and assessor were annually to hear and determine complaints of property owners.⁴ From 1841 to 1852, the board of commissioners, auditor, and assessor were constituted the county board of equalization for the purposes of hearing complaints, equalizing assessments and revaluing of real and personal property;⁵ and the board of commissioners, auditor, and appraiser were constituted a special board of equalization to equalize valuations in lands as made by the appraiser.⁶ From 1852 to 1872, the board of commissioners, auditor, and township assessors were constituted the board of equalization for personal property⁷ and the board of commissioners, auditor, and appraiser or appraisers, the board of equalization for real property.⁸ From 1872 to 1875, the county assessor replaced the appraiser and the township assessors.⁹ From 1872 to 1891, the board of equalization constituted the board for the equalization of real and personal property.¹⁰ In 1881, four freeholders from different parts of the county, appointed by the judge of the circuit court, were added to the board.¹¹ In 1891, the board of review was created, consisting of the assessor, auditor, and treasurer;¹² in 1895, two freeholders were added to the board;¹³ and the act of 1919 requires the two freeholders to be of opposite political parties.¹⁴

The board of review holds an annual meeting on the first Monday of June. A majority constitutes a quorum for the transaction of business and may decide any question. At the meeting the auditor submits for examination the assessment lists of the county returned by the township assessors, and the county assessor reports all corrections and changes which in his judgment ought to be made, which the board considers and acts upon, and it may, upon its own motion, add omitted property.¹⁵

The board adjusts inequalities in the valuations of particular tracts or lots,¹⁶ hears complaints of owners of personal property, corrects errors

³ Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8.

⁴ Acts 1838-39 (general), ch. 14, secs. 14, 15. The act reads clerk or auditor which in St. Joseph County means clerk. Acts 1838-39 (general), ch. 14, sec. 5, last sentence.

⁵ Acts 1840-41 (general), ch. 1, sec. 18.

⁶ *Ibid.*, sec. 13.

⁷ 1 Rev. Stat. 1852, ch. 6, sec. 91.

⁸ *Ibid.*, ch. 35, sec. 2.

⁹ Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 276.

¹⁰ *Ibid.*, secs. 150, 277, 278. Acts 1875, ch. 97, sec. 7.

¹¹ Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

¹² Acts 1891, ch. 99, sec. 114.

¹³ Acts 1895, ch. 36, sec. 2.

¹⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁵ Acts 1919; Burns 64-1205; Baldwin 15704. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁶ Acts 1919; Burns 64-1205; Baldwin 15704.

in description and assessment, and passes upon each valuation in the township assessor's lists.¹⁷ It assesses the capital stock and franchises of corporations in the county, except those assessed by the state board of tax commissioners, such as railroad, telephone, and telegraph companies.¹⁸

It is the duty of the board to inquire as to the valuation of various classes of property in the townships or any taxing unit, to make such changes as may be necessary, and to determine the amount to be added or deducted in order to make an equitable equalization of valuations throughout the county. If the board shall find the aggregate assessment too high, too low, or unequal, it may set aside the assessment of the whole county, or of any township or taxing unit therein, and order a new assessment.¹⁹

The auditor, as secretary, is required to keep full and accurate minutes of the proceedings of the board. The changes made by the board are entered in a separate column in the assessment lists.²⁰

The records are located in the courthouse.

371. RECORD COUNTY BOARD OF REVIEW, 1891—. 3 vols. (1-3).

Minutes of meetings of board of review, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. by dates of meetings. 1891-99, hdw.; 1900—, typed. 450 pp. 18 x 12 x 2. Aud. vt. 1, sec. A.

372. BOARD OF REVIEW AND DEPUTY ASSESSOR ASSIGNMENTS, 1899-1916. 1 file box.

Miscellaneous papers of board of review, including notices of meetings, oaths and members, and petitions for reduction of taxes, showing date and nature of instrument, names of principals, and date of filing. Also contains: [Deputy Assessor Oaths], entry 370. Arr. by dates of instruments. Hdw. and typed. 10 x 5 x 15. Aud. vt. 1, sec. A.

XIII. BOARD OF TAX ADJUSTMENT

The board of tax adjustment of St. Joseph County was established by an act of 1932 and reconstituted by acts of 1933¹ and 1937. It consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of South Bend, the largest city in the county, or any public official of any city in the county appointed by him; one member of the board of school trustees of South Bend selected by the board; and four freeholders of the county selected annually by majority vote of the circuit judge and the judges of the superior courts of the county. No more than four of the seven members may be adherents of the same political party. The board elects its own chairman and vice-chairman, and the auditor acts as clerk, but has no vote in its proceedings.²

¹⁷ *Ibid.*, Acts 1919; Burns 64-1205; Baldwin 15704. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁸ Acts 1919; Burns 64-703, 64-704, 64-724, 64-734 to 64-736; Baldwin 15617, 15618, 15638, 15648 to 15650.

¹⁹ Acts 1919; Burns 64-1205; Baldwin 15704.

²⁰ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹ Acts 1932, ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4.

² Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

The board, as first created, consisted of seven members as at present, who differed in qualifications and methods of appointment.³

Prior to that time, while valuations might be adjusted by the county board of review and the state board of tax commissioners,⁴ tax rates in St. Joseph County, as fixed by the board of commissioners, 1830 to 1899,⁵ or by the county council, 1899 to 1919,⁶ were not subject to appeal. Since 1919, appeals may be taken to the state board of tax commissioners.⁷

The auditor lays before the board, at its annual meeting beginning the second Monday of September, the budgets adopted and the tax levies and rates fixed by the proper authorities of each municipal corporation for the ensuing year.⁸

It is the duty of the board to examine, revise, change, or reduce, but not increase, any budget, tax levy, or rate, holding such budget within the total amount of revenue to be raised therefor. No change can be made in detailed items, but only in the total amounts budgeted for each office.⁹ The total of all tax rates on property within any municipal corporation for all municipal corporations for which the property therein is taxable, with certain exceptions, must not exceed the total rate as provided by law.¹⁰

The board has the right to require officials submitting budget estimates and tax levies and rates, to attend its meeting or to furnish any necessary information, and it may employ an examiner of the state board of accounts to assist in its duties.¹¹

All duties of the board of tax adjustment must be completed on or before the first day of October in the year of its appointment.¹² If, for any reason, the board fails to complete its duties within the time fixed, or to reduce the aggregate amount of levies and rates to within the legal limits, the tax rate is calculated and fixed by the auditor on or before October 15.¹³

Appeals from the decisions of either the board of tax adjustment or the auditor may be taken to the state board of tax commissioners, whose review of all the budgets and rates of the county and any taxing unit thereof, must be completed on or before November 30 or as soon thereafter as possible.¹⁴ The finding and order of the state board fixing the

³ Acts 1932, ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4.

⁴ Acts 1891, ch. 99, secs. 114, 125. Acts 1895, ch. 36, secs. 2, 4.

⁵ Acts 1817-18 (general), ch. 42, secs. 9, 12. Acts 1819-20, ch. 73, sec. 2. Acts 1820-21, ch. 2, sec. 2. Acts 1821-22, ch. 55, secs. 3, 4. 1 Rev. Stat. 1852, ch. 6, sec. 1. Rev. Stat. 1881, ch. 98, sec. 6269. Acts 1889, ch. 161, sec. 1. Acts 1891, ch. 99, secs. 1, 120.

⁶ Acts 1899; Burns 26-515; Baldwin 5379.

⁷ Acts 1919, ch. 59, sec. 200. Acts 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

⁸ Acts 1937; Burns, 1938 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

⁹ Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹⁰ Acts 1937; Burns, 1938 suppl., 64-309; Baldwin, 1937 suppl., 15897-3.

¹¹ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹² Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹³ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁴ *Ibid.* Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15717.

items of the various budgets and levies is final and conclusive.¹⁵ No restrictions or modifications in fixing tax levies by either the county or state officers named above may be made so as to affect the provisions of the Welfare Act (see Department of Public Welfare).¹⁶

The auditor, as clerk, keeps a complete record of all the proceedings of the board.¹⁷

The records are located in the courthouse.

373. TAX LEVIES, 1887—. 3 file boxes.

Tax levies established for each taxing unit and presented to the board of tax adjustment for consideration and adoption, showing date of filing, name of taxing unit, rate fixed, and amount of levy. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. C.

374. [BOARD OF TAX ADJUSTMENT RECORD], 1932—. In Board of Finance and Tax Adjustment and Record of School Loans Foreclosed, entry 375.

Minutes of meetings of board of tax adjustment, showing date of meeting, names of members present, business discussed, and action taken.

XIV. BOARD OF FINANCE

The board of finance of St. Joseph County consists of the board of commissioners, under the authority of the Depository Act of 1937. The auditor is the secretary,¹ and the board elects its president.²

The board was first created by an act of 1907³ and recreated by the Depository Act of 1935.⁴

The board of finance has supervision of all public funds of St. Joseph County and of the safekeeping and depositing thereof,⁵ and may sue and be sued, in its own name, in any court of competent jurisdiction.⁶ It designates the banks to serve as depositories for county funds.⁷ The board receives monthly statements of county funds on deposit from the banks,⁸ and may, as it sees fit, revoke the commission of any depository at any time.⁹ Besides the public funds of the county, the board also designates, under authority of a separate act, the depositories for all trust funds held by the clerk of the circuit court by virtue of his office;¹⁰ and deposits of all funds of any character whatsoever coming into the custody of the clerk, auditor, sheriff, and treasurer, are subject to the

¹⁵ Martin v. Orthlieb, 210 Ind. 199; 1 N. E. (2d) 1000.

¹⁶ Acts 1937; Burns, 1938 suppl., 64-316; Baldwin, 1937 suppl., 15897-10.

¹⁷ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

² Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

³ Acts 1907, ch. 222, sec. 6.

⁴ Acts 1935, ch. 70, sec. 7.

⁵ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁶ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

⁷ Acts 1937; Burns, 1938 suppl., 61-635, 61-636; Baldwin, 1937 suppl., 13844-56, 13844-57.

⁸ Acts 1937; Burns, 1938 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

⁹ Acts 1937; Burns, 1938 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹⁰ Acts 1937; Burns, 1938 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

provisions of the Depository Act, except certain fees specifically named as legal perquisites of these officers.¹¹

The board of finance holds an annual meeting on the third Monday in January for its organization,¹² a biennial meeting on the third Monday in February, in odd numbered years, for the consideration of proposals of banks as depositories for the ensuing two-year period.¹³

The agents of all boards of finance—county, city, town, school, and township—and of all banks desiring to become depositories, are called together biennially, by the president of the county board in a joint meeting within five days before the date fixed for filing the proposals, for the purpose of making an agreement designating depositories and the amount of deposits in each. The total maximum amount of all public funds controlled by the several boards in the county is considered as one fund in making deposits in such proportion as the total resources of each depository bear to the total resources of all. The secretary of the county board is the secretary of the joint meeting and records its proceedings in the record of the county board.¹⁴

The auditor, as secretary of the board of finance, keeps a record of its proceedings.¹⁵

375. BOARD OF FINANCE AND TAX ADJUSTMENT AND RECORD OF SCHOOL LOANS FORECLOSED, 1907—. 2 vols.

Minutes of meetings of board of finance, showing date of meeting, names of members present, business discussed, and action taken. Also contains: [Board of Tax Adjustment Record], 1932—, entry 374; [School Fund Board], 1936, entry 386; [Board of Education Record], 1937—, entry 519. Arr. by dates of meetings. Typed. 300 pp. 18 x 13 x 3. 1 vol., 1907-27, sub-bsmt. vt.; 1 vol., 1928—, aud. vt. 1, sec. A.

376. BOARD OF FINANCE PROPOSALS, 1907—. 2 file boxes.

Petitions filed with board of finance to consider certain banks as depositories for county funds, showing name and address of bank, date and terms of petition, and affidavit of financial conditions of bank. Arr. by dates of petitions. Hdw. and typed. 10 x 5 x 15. Aud. vt. 1, secs. D, C.

377. DEPOSITORY INTEREST STATEMENTS, 1933—. 3 file boxes.

Monthly statements of depositories to board of finance of county funds on deposit, showing date of statement and filing, amounts of deposits, interest earned, and balance. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

XV. SCHOOL FUND BOARD

The school fund board of St. Joseph County, as created by an act of 1935, consists of the auditor and the clerk of the circuit court ex officio and one member appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.¹

¹¹ Acts 1932 (Spec. Sess.); Burns 64-1538.

¹² Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹³ Acts 1937; Burns, 1938 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹⁴ Acts 1937; Burns, 1938 suppl., 61-635; Baldwin, 1937 suppl., 13844-56.

¹⁵ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹ Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

Originally, loans from the school funds of St. Joseph County were made by the school commissioner, elected by the voters for a three-year term, in accordance with an act of 1829. The school commissioner was a financial agent of the county to manage the school funds and the lands belonging thereto.² This office was abolished in St. Joseph County in 1849.³ Under the Revised Statutes of 1852, the duties thereof were divided between the auditor,⁴ or the clerk of the circuit court doing business as auditor,⁵ and the treasurer.⁶ Upon approval of the trustees, the auditor had authority to make loans until 1935.⁷

The common school fund, as established by the Constitution of 1851,⁸ is kept by the auditor, in pursuance of an act of 1865, in two separate accounts:⁹ 1) The common school fund, consisting of moneys from the sale of escheated property, fines assessed by the courts, all lands granted to the state without a special object named in the grant, all moneys and lands formerly belonging to county seminaries, and all appropriations for schools, together with sundry minor funds. 2) The congressional township school fund, consisting of moneys from the sale of congressional township school lands. Distribution of the common school fund is made biennially by the state to the counties on the basis of the last enumeration of school children. Both funds are under the control of the county¹⁰ and are loaned and managed by the county,¹¹ which is held liable for both principal and interest.¹²

Whenever more than five thousand dollars in either fund remains unloaned in the county for six months, the county auditor must notify the auditor of the state and the unloaned moneys may be transferred to another county.¹³

The school fund board makes all loans from these school funds to owners of real estate, properly secured by mortgage. The board must satisfy itself, after approval of the title by the county attorney, as to the value of real estate offered in the mortgage, the validity of the title, and whether it is encumbered.¹⁴ Loans may also be made to the county upon proper authorization by the county council, in certain cases, for a period not exceeding five years.¹⁵

The records are located in the courthouse.

378. SCHOOL FUND MORTGAGE [Abstracts of Title], 1879-1902, 1914—. 3 file boxes.

Original abstracts of titles to real property mortgaged to secure school

² Acts 1828-29, ch. 84, sec. 8.

³ George H. Dunn, Superintendent of Schools, *Report to the General Assembly*, December 1849.

⁴ 1 Rev. Stat. 1852, ch. 98, sec. 137.

⁵ 1 Rev. Stat. 1852, ch. 98, sec. 131.

⁶ 1 Rev. Stat. 1852, ch. 98, sec. 133.

⁷ 1 Rev. Stat. 1852, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

⁸ Const., art. 8, sec. 2.

⁹ Acts 1865; Burns 28-105; Baldwin 6511.

¹⁰ Acts 1865; Burns 28-101; Baldwin 6499.

¹¹ Acts 1907; Burns 28-102; Baldwin 6500.

¹² Acts 1865; Burns 28-104; Baldwin 6499-1.

¹³ Acts 1907; Burns 29-206; Baldwin 6573.

¹⁴ Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹⁵ Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

fund loans, showing dates of abstract and filing; names of owner and abstractor; location, description, and plat map of property; names of grantor and grantee; and list of encumbrances. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

379. SCHOOL FUND MORTGAGES, 1906—. 7 file boxes (AC, DG, HK, LN, OR, ST, UZ).

Original real estate mortgages executed to secure school fund loans, showing date, amount, number, and conditions of mortgage; names of mortgagor and taxing unit; description, location, and valuation of property; rate of interest; and date of approval. Arr. alph. by names of mortgagors. Typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

380. SCHOOL FUND MORTGAGE [Quit Claim Deed], 1921—. 1 file box. Original quit claim deeds of mortgagors relinquishing all claim to property to school fund board, showing name of mortgagor, location and description of property, amount of mortgage, date of deed, and volume and page reference to School Fund Mortgage Record, entry 98; and Deed Record, entry 85. Also contains: [School Fund Foreclosed Mortgages], entry 381; [School Fund Insurance Policies], 1934—, entry 382; [School Fund Leases], 1936—, entry 383; [School Fund Certificate of Purchase], 1936—, entry 384. Arr. alph. by names of mortgagors. Typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

381. [SCHOOL FUND FORECLOSED MORTGAGES], 1921—. In School Fund Mortgage [Quit Claim Deed], entry 380.

Original mortgages foreclosed by school fund board for nonpayment of principal or interest, showing dates of mortgage and foreclosure; name of mortgagor; amount and conditions of mortgage; and total amounts of principal and interest.

382. [SCHOOL FUND INSURANCE POLICIES], 1934—. In School Fund Mortgage [Quit Claim Deed], entry 380.

Insurance policies on buildings on which school fund mortgages are held, showing dates of issue and expiration, kind of insurance, policy number, amounts of premium and protection, and location and description of building. Arr. by dates of issue.

383. [SCHOOL FUND LEASES], 1936—. In School Fund Mortgage [Quit Claim Deed], entry 380.

Original leases of school fund property, showing date, amount, and conditions of lease; description and location of property; and name of lessee. Arr. alph. by names of lessees.

384. [SCHOOL FUND CERTIFICATE OF PURCHASE], 1936—. In School Fund Mortgage [Quit Claim Deed], entry 380.

Certificates of purchase of real estate foreclosed by school fund board, showing names of owner and purchaser of property, amounts of sale and interest, description and location of property, dates, principal and interest due and paid, and dates of purchase and filing. Arr. alph. by names of purchasers.

385. AUDITOR'S SCHOOL LOAN INVESTIGATIONS, 1936. 1 file box. School Fund Investigator discontinued by Act of 1937.

Report to school fund board by school fund investigator of conditions of school fund property and loans, showing dates of loan, report, and filing; number and amount of loan; accumulated interest and taxes; total

amount due; and recommendations of investigator. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

386. [SCHOOL FUND BOARD RECORD], 1936. In Boards of Finance and Tax Adjustment and Record of School Loans Foreclosed, entry 375.

Minutes of meetings of county school fund board, showing date and place of meeting, names of members present, nature of business discussed, and action taken.

XVI. TREASURER

The treasurer is a constitutional officer, elected for a two-year term. The office of treasurer is established in St. Joseph County under the Constitution of 1851, and no person is eligible to hold it for more than four years in any six-year period.¹ The treasurer is required to execute his official bond in the penalty of not less than the amount of money which may come into his hands at any time during his term.²

Prior to the Constitution of 1851, the office of treasurer was established in St. Joseph County at the time of the organization, when the board doing county business appointed the first treasurer on August 27, 1830, under the authority of the revision of 1824.³ The treasurer, then a statutory officer, received and disbursed county funds⁴ but did not collect taxes.⁵ From 1830 to 1841, a collector of taxes was appointed by the board of commissioners, under authority of acts of 1818 and 1824.⁶ The treasurer became an elective officer by an act of 1841, and since that time, has had charge of collecting the taxes.⁷

The treasurer receives all moneys coming to St. Joseph County and disburses the same on the proper orders issued and attested by the auditor.⁸ He collects all taxes for state, county, school, road, or other purposes, due the county on the tax duplicate,⁹ delivered to him by the auditor,¹⁰ including city taxes.¹¹ He sells real estate¹² and personal property¹³ at public auction for delinquent taxes. He also collects taxes from corporations in the county,¹⁴ inheritance taxes on estates of decedents of the county,¹⁵ and the excise tax on shares of stock and deposits of banks¹⁶

¹ Const., art. 6, sec. 2.

² 1 Rev. Stat. 1852, Acts 1865, Burns 49-3101; Baldwin 5548.

³ Commissioners' Record, 1:3. Rev. Laws 1824, ch. 23, sec. 1.

⁴ Acts 1816-17, ch. 17, secs. 1, 2. Acts 1821-22, ch. 72, sec. 2.

⁵ Acts 1816-17, ch. 17, sec. 10; ch. 19, secs. 9, 15, 16.

⁶ Acts 1817-18 (general), ch. 42, sec. 14. Rev. Laws 1824, ch. 86, sec. 18.

⁷ Acts 1840-41 (general), ch. 4, secs. 1, 13.

⁸ 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558.

⁹ Acts 1919; Burns 64-1502; Baldwin 15748.

¹⁰ Acts 1919; Burns 64-1408; Baldwin 15745.

¹¹ Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513.

¹² Acts 1919; Burns 64-1516; Baldwin 15770.

¹³ Acts 1919; Burns 64-1705; Baldwin 15782.

¹⁴ Acts 1919; Burns 64-1801; Baldwin 15783.

¹⁵ Acts 1931; Burns 6-2413; Baldwin 15951.

¹⁶ Acts 1933; Burns 64-804; Baldwin 15585.

and loan associations;¹⁷ and sells intangible tax stamps for the state board of tax commissioners.¹⁸

The treasurer makes quarterly reports to the board of commissioners, showing the true amount of money in the county treasury;¹⁹ a monthly report to the auditor, showing the total amount of cash payments received during the month and the respective accounts to which the payments were applied;²⁰ semiannual settlements for taxes with the county auditor in May and November²¹ and in accordance therewith pays to the state treasurer in June and December all money due for state purposes;²² and makes such other payments to the state treasurer as authorized during the year.²³ He makes to the auditor, quarterly and at the expiration of his term of office, a sworn report showing specifically the amount of fees collected,²⁴ and deposits quarterly with the auditor all orders (warrants) redeemed.²⁵ The treasurer is ex officio a member of the board of review of St. Joseph County.²⁶

The treasurer must keep his office at the county seat and it must be open for the transaction of business during business hours;²⁷ he must keep his office and books and papers belonging thereto in a fireproof building, where such has been provided by the board of commissioners.²⁸ He keeps separate cash books—for taxes and special assessments and for payments for all other purposes²⁹—and is required to keep his books by separate accounts for separate funds or specific appropriations as well as by one general account.³⁰

The records are located in the courthouse.

TAX COLLECTIONS

PERSONAL AND REAL PROPERTY

387. TAX DUPLICATE, 1842—. 676 vols. (numbering varies). 157 duplicate volumes, 1845-99.

Record compiled annually by auditor of all taxes payable, showing duplicate number; names of taxing unit and taxpayer; location, description, and valuation of property; amounts of real property, personal property, poll taxes, special assessments, and exemptions; and amounts paid and returned delinquent. Arr. by taxing units, thereunder alph. by names of taxpayers. 1842-99, hdw.; 1900—, typed. 300 pp. 13 x 38 x 3. 604 vols., 1842-1918, treas. sub-bsmt. vt., secs. B, D, E, H, I, 171 vols., 1919-33,

¹⁷ Acts 1933; Burns 64-827; Baldwin 15608.

¹⁸ Acts 1933; Burns 64-927; Baldwin 15925.

¹⁹ Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

²⁰ Acts 1919; Burns 64-2101; Baldwin 15802.

²¹ Acts 1919; Burns 64-2501; Baldwin 15850.

²² Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

²³ Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1938 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

²⁴ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

²⁵ 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

²⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁷ 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553.

²⁸ Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

²⁹ Acts 1919; Burns 64-2101; Baldwin 15802.

³⁰ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

treas. bsmt. vt. 2, secs. B, C, D, 41 vols., 1934-36, treas. vt. 1; 17 vols., 1937—, treas. off.

388. [DAILY REGISTER OF TAXES COLLECTED], 1908—. 97 vols. (numbering varies). Title varies: 1912-27, Cash Book For Reception of Tax Payments; 1908-1912, Register of Current Taxes. Record of daily receipts from current and delinquent tax collections, showing date of payment; name of taxing unit; duplicate number; amounts of current and delinquent tax, interest, penalty, and cost; and total amount of taxes collected. Arr. by dates of payments. 1908-27, hdw.; 1928—, typed. 1000 pp. 18 x 12 x 6. 87 vols., 1908-27, sub-bsmt. vt., secs. C, D; 8 vols., 1928-35, treas. bsmt. vt. 2, sec. A; 2 vols., 1936—, treas. vt. 1.

389. DUPLICATE TAX RECEIPTS, 1925—. 20 bins, 4500 bdl. Duplicate tax receipts, showing date of payment; duplicate number; names of taxing unit and taxpayer; location, description, and assessed valuation of property; and amounts of real, personal, and poll taxes collected. Arr. by taxing units, thereunder alph. by names of taxpayers. Typed. 12 x 13 x 18. Bins 12 x 30 x 18; bdl. 6 x 4 x 6. 20 bins, 1925-30, sub-bsmt. vt., secs. B, C, J, K; 4500 bdl., 1931—, treas. bsmt. vt. 2, secs. C, D.

INHERITANCE TAX

(See also entries 118, 206, 368, 471)

390. INHERITANCE TAX RECEIPTS, 1903—. 5 file boxes. Duplicate receipts issued for payment of inheritance taxes, showing date of receipt; names of payer, estate, and heirs; description and valuation of estate; amounts of exemption, interest, and tax; and total amount paid. Arr. by dates of receipts. Hdw. 10 x 5 x 15. Treas. vt. 1.

391. [INHERITANCE AND TRANSFER TAX RECEIPTS], 1914—. 3 vols. Duplicate receipts of inheritance tax collections paid to state, showing date of receipt; names of payer, estate, heirs, and administrator or executor; cause and receipt numbers; relationship of payer to decedent; amounts of tax and discount or interest; and total amount paid. Arr. by receipt nos. Hdw. 500 pp. 9 x 9 x 2½. Treas. vt. 1.

DITCHES

(See also entries 25-28, 588-94)

392. DITCH DUPLICATES, 1877—. 7 vols. (numbering varies). Record of current and delinquent ditch tax assessments and collections, showing dates of assessment and collection; duplicate number; names of ditch and property owner; location and description of land; and amounts of assessment, payment, and delinquency. Arr. by names of ditches, thereunder by duplicate nos. Hdw. 300 pp. 18 x 32 x 3. 4 vols., 1877-1902, sub-bsmt. vt., sec. H; 3 vols., 1903—, treas. off.

393. CASH BOOK FOR RECEPTION OF DITCH ASSESSMENTS, 1932—. 1 vol.

Record of payments received on current and delinquent ditch assessments, showing names of ditch and taxpayer; duplicate number; amounts of principal, interest, and penalty; and date and amount of payment.

Arr. by names of ditches, thereunder alph. by names of taxpayers. Typed. 300 pp. 18 x 12 x 2. Treas. vt. 1.

394. DITCH RECEIPT, 1930—. 2 bins.

Duplicate receipts issued for payment of ditch assessments, showing date, number, and amount of receipt; names of payer and ditch; and location and description of land. Arr. by names of ditches, thereunder by dates of receipts. Hdw. 12 x 30 x 18. Treas. bsmt. vt. 2, bins C, D.

DELINQUENTS

(See also entries 467, 469, 470, 472)

395. [MORATORIUM TAX DUPLICATE], 1933—. 3 vols.

Record of delinquent taxes on which payment has been deferred, showing date of moratorium, schedule of payments, tax duplicate number, names of taxpayer and taxing unit, amount of delinquency, and location of property. Also contains: [Work Sheet Moratorium Taxes], entry 396. Arr. by taxing units, thereunder alph. by names of taxpayers. Hdw. 450 pp. 12 x 9 x 4. Aud. vt. 1, sec. C.

396. WORK SHEET [Moratorium Taxes], 1933—. In [Moratorium Tax Duplicate], entry 395.

Record of land and lots returned delinquent for nonpayment of taxes, showing names of taxpayer and taxing unit; date and amount of payment; duplicate number; amounts of delinquency, penalty, interest, and total payable.

397. DEL [INQUENT] TAXES, 1930—. 14 bins.

Duplicate receipts issued for payment of delinquent taxes, showing date and amount of receipt; tax duplicate number; names of taxing unit and taxpayer; and location, description, and assessed valuation of property. Arr. by taxing units, thereunder alph. by names of taxpayers. Typed. 12 x 30 x 18. Treas. bsmt. vt. 2, secs. C, D.

For prior records, see entry 389.

398. REGISTER OF TAX SALE CERTIFICATES, 1908—. 2 vols. (1, 2).

Record of certificates issued to purchasers of property sold for nonpayment of taxes, showing date of sale; certificate number; names of owner and purchaser; location and description of property; amount of delinquent tax, interest, costs, and penalty; and total amount paid. Arr. by certificate nos. Hdw. 800 pp. 16 x 10 x 2½. 1 vol., 1908-26, sub-bsmt. vt., sec. B; 1 vol., 1927—, treas. vt. 1.

399. TAX DUPLICATE DELINQUENT LISTS, 1841-46, 1861-62, 1874-75, 1896-98. 52 vols. (numbering varies).

Record of land and lots returned delinquent for nonpayment of taxes, showing names of property owner and taxing unit; location, description, and assessed valuation of property; and amounts of delinquency, penalty, and interest. Arr. by taxing units, thereunder alph. by names of taxpayers. Hdw. 500 pp. 18 x 16 x 4. Sub-bsmt. vt., sec. 1.

For subsequent records, see entry 387.

400. RECORD OF TAXES DROPPED, 1879-1911. 9 vols.

Record of taxes deemed uncollectible and removed from tax duplicates, showing amounts of delinquency, penalty, and interest; duplicate num-

ber; and names of taxing unit and property owner. Arr. by taxing units, thereunder by names of property owners. Hdw. 600 pp. 20 x 20 x 3. Sub-bsmt. vt., sec. C.

INTANGIBLE TAX

(See also entries 120, 369, 423)

401. [DAILY INTANGIBLE TAX STAMPS RECEIPTS AND SALES], 1933—. 2 vols.

Record of daily reports of intangible tax stamps received, sold, and on hand, showing date of report; amount of each denomination received, sold, and on hand; and total amount of sales. Arr. by dates of reports. Hdw. 200 pp. 9 x 8 x ½. Treas. off.

RECEIPTS AND DISBURSEMENTS

GENERAL FUNDS

402. TREASURER'S DAILY BALANCE OF CASH AND DEPOSITORIES, 1876—. 42 vols. (29 vols. not numbered, 1-13). Title varies: 1876-1912, Cash Book.

Register of daily cash receipts, disbursements, and balances, showing dates and amounts of deposits, withdrawals, receipts, or disbursements; names of depositories, township, and fund; and dates and amounts of balances of cash at beginning and end of day. Arr. by dates of balances. Hdw. 400 pp. 22 x 12 x 2½. 38 vols., 1876-1933, sub-bsmt. vt., sec. E; 4 vols., 1934—, treas. vt. 1.

403. DEPOSITORY BALANCES, 1915—. 6 vols. (2 vols. not numbered, 1-4).

Record of warrants on county funds deposited in various depositories, showing names of depository and fund; date, amount, and number of warrant; and total amounts of warrants and balance. Arr. by names of depositories, thereunder by dates of warrants. Hdw. and typed. 800 pp. 18 x 12 x 4. 4 vols., 1915-Aug. 1925, sub-bsmt. vt., sec. C; 2 vols., Sept. 1925—, treas. vt. 1.

404. [TREASURER'S DAILY BALANCES], 1920—. 76 vols.

Treasurer's daily balance work sheet of receipts, disbursements, and fund and depository balances, showing date of work sheet, amounts of receipts, disbursements, fund, and deposits; names of fund and depository; and total balances at beginning and close of day. Arr. by dates of work sheets. Hdw. 100 pp. 24 x 24 x ½. 38 vols., 1920-Aug. 1931, sub-bsmt. vt., sec. E; 15 vols., Sept. 1931-34, treas. bsmt. vt. 2, sec. A; 23 vols., 1935—, treas. vt. 1.

405. TREASURER'S CASH BOOK OF ALL RECEIPTS OTHER THAN TAX PAYMENTS, 1888—. 7 vols. (Numbering varies). Title varies: 1888-1911, Miscellaneous Receipts.

Record of cash payments to treasurer other than tax payments, showing date, amount, and purpose of payment; receipt number; and name of payer and fund credited. Arr. by dates of payments. Hdw. 250 pp. 16 x 10 x 2. 6 vols., 1888-Oct. 1931, sub-bsmt. vt., secs. D, C; 1 vol., Nov. 1931—, treas. vt. 1.

406. COUNTY TREASURER'S LEDGER OF RECEIPTS AND DISBURSEMENTS, 1926—. 2 vols.

Record of receipts and disbursements of county funds, showing date, purpose, and amount of receipt or disbursement; receipt or warrant number; amount of balance or overdraft; and names of payee or payer and fund. Arr. by names of funds, thereunder by dates of receipts or disbursements. Hdw. 1000 pp. 20 x 18 x 5. 1 vol., 1926-June 1931, treas. bsmt. vt. 2, sec. A; 1 vol., July 1931—, treas. vt. 1.

For prior records, see entry 407, 408.

407. RECORD OF RECEIPTS, 1841-Oct. 7, 1926. 7 vols.

(1-3, and 4 vols. not numbered).

Register of money paid to treasurer, showing date, amount, and number of receipt; name of fund; and total monthly balances of funds. Arr. by dates of receipts. Hdw. 250 pp. 18 x 32 x 3. Sub-bsmt. vt., sec. C.

For subsequent records, see entry 406.

408. REGISTER OF DISBURSEMENTS, 1908-Oct. 5, 1926. 12 vols. (numbering varies). Title varies: 1912-14, Record of Appropriations and Disbursements.

Record of disbursements of county funds, showing date, number, and amount of disbursement; name of fund; and balance or overdraft of fund. Arr. by dates of disbursements. Hdw. 200 pp. 26 x 18 x 2½. Sub-bsmt. vt., sec. E.

For subsequent records, see entry 406.

409. APPLICATION TO PAY, 1899—. 25 file boxes.

Original applications to make payments to treasurer on accounts other than taxes, showing date and number of application, names of applicant and fund, and amount and purpose of payment. Arr. by names of funds, thereunder by dates of applications. Typed. 10 x 5 x 15. Treas. vt. 1.

410. SETTLEMENT SHEETS, 1907—. 3 vols., 2 file boxes.

Record of semiannual distribution of tax revenue to various taxing units and county funds, showing date of distribution; names of taxing unit and fund; total amount collected; and amount apportioned to each fund. Arr. by dates of distribution. Hdw. 150 pp. vols., 28 x 14 x 2; file boxes, 10 x 5 x 15. 3 vols., 1907-27, sub-bsmt. vt., sec. B; 2 file boxes, 1928—, treas. vt. 1.

411. CASH BOOK OF DISBURSEMENT—AUDITOR'S WARRANTS, 1912-29. 9 vols. (1-9).

Record of disbursements of county revenue on warrants issued by auditor, showing date, amount, number, and purpose of warrant; appropriation number; names of payee, depository, and fund; and balance. Arr. by dates of warrants. Hdw. 500 pp. 18 x 12 x 3. Sub-bsmt. vt., sec. E.

For subsequent records, see entry 406.

412. REGISTER OF ORDERS, 1830-Apr. 7, 1902. 13 vols.

Transcripts and duplicates of orders issued by auditor on treasurer for payment of county expenses, showing order, claim, and appropriation numbers; date, amount, and purpose of order; and name of payee. Arr. by dates of orders. Hdw. 600 pp. 18 x 14 x 3. Sub-bsmt. vt., sec. C.

For subsequent records, see entry 411.

413. REGISTER DITCH FUND ORDERS, 1887-1907. 2 vols.

Record of orders drawn on treasurer for disbursements from ditch fund, showing dates of order and redemption; names of ditch and landowner; and amounts of redemption, assessment, and interest. Arr. by dates of orders. Hdw. 150 pp. 6 x 18 x 2. Sub-bsmt. vt., sec. H.

414. REGISTER OF GENERAL FUND ORDERS, 1896-1907. 3 vols.

Record of orders drawn on treasurer for disbursements from general fund, showing date, number, nature, and amount of order, name of payee; and date of redemption. Arr. by order nos. Hdw. 400 pp. 18 x 14 x 2½. Sub-bsmt. vt., sec. D.

SCHOOL FUNDS

(See also entries 476-91)

415. REGISTER OF ORDERS SCHOOL FUND, 1853-1907. 2 vols. (1 vol. not numbered, 2). 1843-52, in Register of Receipts School Funds, entry 416.

Register of orders drawn on treasurer by auditor for disbursement of school funds, showing date, number, and amount of order; names of payee and school fund; township and range numbers; and amount of principal or interest. Arr. by dates of orders. Hdw. 250 pp. 12 x 10 x 2½. Sub-bsmt. vt., secs. C, D.

416. REGISTER OF RECEIPTS SCHOOL FUNDS, 1843-67. 3 vols. (1 vol. not numbered, 2, 2).

Record of receipts of principal and interest of school funds, showing date, number, and amount of receipt; names of payer and fund; township and range numbers; and amounts of principal and interest paid. Also contains: Register of Orders School Funds, 1843-52, entry 415. Arr. by dates of receipts. Hdw. 250 pp. 12 x 10 x 2. Sub-bsmt. vt., sec. C.

For subsequent records, see entry 405.

XVII. AUDITOR

The auditor is a constitutional officer, elected for a four-year term. The office of auditor is established in St. Joseph County under the Constitution of 1851, and no person is eligible to hold it for more than eight years in any twelve-year period.¹ He is required to post bond in the amount of ten thousand dollars, approved by and filed with the board of commissioners.²

Prior to the Constitution of 1851, the office of auditor was established in St. Joseph County in 1841, under the authority of an act of that year. The auditor, then a statutory officer, was elected by the voters of the county for a five-year term.³ The creation of this office was designed to relieve clerks of the circuit court of many duties relative to county business and to the receipts and disbursements of county funds.⁴

¹ Const., art. 6, sec. 2.

² Acts 1889; Burns 49-3003; Baldwin 5417.

³ Acts 1840-41 (general), ch. 2, sec. 1. Timothy Edward Howard, *History of St. Joseph County*, 1:182.

⁴ Acts 1840-41 (general), ch. 2, secs. 8, 53, 54.

The auditor is the financial agent of the county and routine administration of county affairs centers in his office, through which all financial transactions are conducted.⁵

The principal functions of the auditor are fourfold: As a county "controller" he keeps the accounts of the county and issues warrants for all claims allowed by the board of commissioners, by court order,⁶ or otherwise as statutes provide.⁷ Ex officio, he is clerk to the board of commissioners,⁸ the county council,⁹ and the board of tax adjustment,¹⁰ and secretary of the board of finance.¹¹ He is also a member and secretary of the board of review,¹² and a member of the school fund board.¹³ As a tax officer, he prepares the official tax duplicates,¹⁴ certifies to the treasurer the amount of taxes due from banks;¹⁵ and, if the board of tax adjustment fails to complete its duties on time or to reduce the rate to the legal maximum, fixes the tax rate within any municipal corporation in the county.¹⁶ As a budget officer, he compiles estimates made to him by each county agency; keeps them on file for one month, subject to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.¹⁷

Other duties are: Managing the common school and the congressional township school funds, with the exception of making loans;¹⁸ preparing the ditch duplicate, covering assessments for construction or repair of ditches and drains;¹⁹ issuing licenses to peddlers, shows, and theaters,²⁰ and permits for public warehouses;²¹ acknowledging deeds and mortgages executed for the security of trust fund loans;²² and approving bonds of township trustees.²³

The auditor must keep his office at the county seat and it must be open for the transaction of business at all times during business hours.²⁴ The auditor keeps a record of all the financial transactions of his office

⁵ Clyde Frank Snider and Max M. Sappenfield, "County and Township Government in Indiana," in *Report of Indiana State Committee on Governmental Economy*, 1935, p. 103.

⁶ Acts 1897; Burns 26-809; Baldwin 5257.

⁷ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

⁸ 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418.

⁹ Acts 1899; Burns 26-509; Baldwin 5373.

¹⁰ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹¹ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹³ Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1937 suppl., 6558.

¹⁴ Acts 1919; Burns 64-1403; Baldwin 15740.

¹⁵ Acts 1933; Burns 64-810; Baldwin 15591.

¹⁶ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁷ Acts 1899; Burns 26-520; Baldwin 5384.

¹⁸ Acts 1865; Burns 28-105; Baldwin 6511. Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹⁹ Acts 1933; Burns 27-134; Baldwin 5770.

²⁰ 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1938 suppl., 42-201; Baldwin, 1937 suppl., 10443.

²¹ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

²² 1 Rev. Stat. 1852; Burns 49-3011; Baldwin 5425.

²³ Acts 1915; Burns 65-103; Baldwin 16061.

²⁴ 1 Rev. Stat. 1852; Burns 49-3002; Baldwin 5416.

in cashbooks,²⁵ warrant books,²⁶ and fee books,²⁷ and in such separate books as are prescribed by statute. He is required to keep separate accounts for each specific item of appropriation by the county council²⁸ and an accurate account current, with the treasurer, of county funds.²⁹ He also keeps a transfer book of all land conveyances in the county, arranged by townships, cities, and towns.³⁰ He keeps the records of all the boards of which he is clerk or secretary and must preserve the documents, books, papers, and maps deposited in his office.³¹

The records are located in the courthouse.

AUDITS AND REPORTS

417. TRUSTEES' REPORTS, 1882—. 44 file boxes, 18 cartons.

Copies of township trustees' annual financial reports to advisory board submitted to auditor, showing dates of report and approval, names of trustee and fund, receipt number, amounts of receipts and disbursements, and total fund balances. Also contains: [Trustees' Vouchers], entry 418. Arr. by dates of reports. Hdw. File boxes, 10 x 5 x 15; cartons, 9 x 5 x 32. 44 file boxes, 2 cartons, 1882-1922, 1936—, aud. vt. 1, sec. D; 3 cartons, 1923-25, aud. sub-bsmt. vt., sec. J; 13 cartons, 1926-35, aud. bsmt. vt. 2, sec. B.

418. [TRUSTEES' VOUCHERS], 1882—. In Trustees' Reports, entry 417. Original vouchers issued by trustees for township expenses, showing names of township and payee; and date, amount, and number of voucher. Arr. by dates of vouchers.

419. DOG TAX REPORTS, 1884—. 1 file box.

Annual reports of township assessors to county auditor of fees collected for dog taxes, showing dates of report and filing, names of taxing unit and trustee, and total amounts collected on male and female dogs. Arr. by dates of reports. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. C.

420. REPORTS STATE BOARD OF ACCOUNTS, 1913—. 4 file boxes.

Reports of audits of offices by field examiners of state board of accounts; showing dates of audit and report; names of office, officer, examiner, and fund; and complete financial analysis of accounts. Arr. by dates of reports. Typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

421. DOG TAX RECEIPTS, 1925—. 3 cartons.

Stubs of audited dog tax receipts, showing date, amount, number and nature of receipt; description of dog; and names of payer and taxing unit. Arr. by dates of receipts. Hdw. 5 x 10 x 32. 2 cartons, 1926-35, aud. sub-bsmt. vt., sec. J; 1 carton, 1936—, aud. vt. 1, sec. B.

422. AUDITOR'S ANNUAL REPORT, 1931—. 1 file box.

Copy of auditor's annual financial analysis to state board of accounts of condition of county general fund, showing name of fund; amounts of

²⁵ Acts 1895; Burns 49-1401; Baldwin 7576.

²⁶ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

²⁷ Acts 1895; Burns 49-1306; Baldwin 7559.

²⁸ Acts 1899; Burns 26-523; Baldwin 5387.

²⁹ 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423.

³⁰ Acts 1919; Burns 64-1409; Baldwin 15746.

³¹ 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418.

receipt or disbursement, outstanding bonds and interest, and fund balance; and dates of bond issue and report. Arr. by dates of reports. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. D.

423. INTANGIBLE TAX RECEIPTS, 1933—. 1 file box.

Treasurer's monthly report to auditor of intangible tax stamps received, sold, and on hand, showing dates of report and filing; number and denomination of stamps received, sold daily, and balance on hand by denomination; and total amount of money remitted for stamps sold. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

For other intangible tax records, see entries 120, 369, 401.

424. MONTHLY POOR RELIEF REPORTS, June 1934—. 1 file box.

Duplicate monthly reports of county auditor to governor's commission on unemployment relief of financial condition of poor relief funds, showing dates of report and filing; amounts of receipts, disbursements, and balances of county poor relief revenue; totals of unpaid claims and poor relief obligations; and names of fund and township. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. D.

425. MISC[ELLANEOUS] RECEIPTS OF AUDITOR, 1910-28. 1 file box.

Quarterly reports of fees and fines collected by justice of peace, showing dates of report and filing, name of court, cause number, nature of action, and itemized account of fees and fines collected. Also contains: [Report of City Judge], entry 426; [Report of Prosecuting Attorney], entry 427; and [Report of Clerk of Circuit Court], 1918-27, entry 428. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 15. Aud. vt. 1, sec. D.

For subsequent records, see entry 3.

426. [REPORT OF CITY JUDGE], 1910-28. In Misc[ellaneous] Receipts of Auditor, entry 425.

Monthly reports of city judge of fees and fines collected in city court, showing dates of report and filing and itemized list of fees and fines collected.

For prior and subsequent records, see entry 3.

427. [REPORT OF PROSECUTING ATTORNEY], 1910-28. In Misc[ellaneous] Receipts of Auditor, entry 425.

Reports of fees and costs in court causes submitted by prosecuting attorney to auditor, showing dates of report and filing, cause number, names of defendant and court, and itemized account of fees and costs collected.

For prior and subsequent records, see entry 3.

428. [REPORT OF CLERK OF CIRCUIT COURT], 1918-27. In Misc[ellaneous] Receipts of Auditor, entry 425.

Quarterly reports of fees and fines collected by clerk of Circuit Court, showing dates of report and filing, name of court, cause number, nature of action, and itemized account of fees and fines collected.

For subsequent records, see entry 3.

429. SCHOOL TRUSTEES' VOUCHERS, 1905-24. 25 file boxes, 21 cartons.

School trustee vouchers of expenditures for supplies and labor, showing names of township or corporation, payee, and depository; and date, nature, number, and amount of voucher. Arr. by dates of vouchers. Hdw. File boxes, 10 x 5 x 15; cartons, 9 x 5 x 32. 25 file boxes, 1905-14, aud. vt. 1, secs. A, D; 21 cartons, 1915-24, sub-bsmt. vt., sec. J.

430. SCHOOL TRUSTEES REPORTS, 1900-1917. 7 file boxes.

Annual report of school trustees of all receipts and disbursements, showing date, amount, and nature of receipts or disbursements; amounts of fund balances; dates of report and filing; and names of school trustee and treasurer. Arr. by dates of reports. Hdw. 10 x 5 x 15. Aud. vt. 1, secs. A, D.

RECEIPTS AND DISBURSEMENTS

GENERAL FUNDS

431. RECORD OF MONTHLY BALANCES, 1912—. 3 vols.

Record of monthly balances of all county funds, showing date of statement, dates and amounts of receipts and disbursements, account number, name of fund, and current balance or overdraft in each fund. Arr. by dates of statements. Hdw. 150 pp. 20 x 20 x 30. Aud. vt. 1, sec. C.

432. REGISTER OF ALL RECEIPTS OTHER THAN TAX PAYMENTS, 1860—. 5 vols.

Record of receipts from other than tax payments, showing date, amount, number, and nature of receipts; and names of payer and account. Arr. by receipt nos. Hdw. 250 pp. 18 x 12 x 2. 3 vols., 1860-Aug. 1923, sub-smt. vt., sec. I; 2 vols., Sept. 1923—, aud. vt. 1, sec. C.

433. FEE AND CASH BOOK, 1895—. 22 vols.

Record of fees and cash received by auditor from various sources, showing date, number, amount, and purpose of receipt; and names of payer and fund. Arr. by dates of receipts. Hdw. 250 pp. 18 x 12 x 2. 17 vols., 1895-1928, sub-smt. vt., sec. I; 5 vols., 1929—, aud. vt. 1, sec. C.

434. GENERAL LEDGER, 1924—. 6 vols.

Record of receipts, appropriations, and disbursements of various county funds, showing dates, numbers, amounts, and purpose of receipt, appropriation, and disbursement; names of payee or payer and fund; and amounts of overdraft and balance. Arr. by names of funds. Hdw. 800 pp. 18 x 13 x 4. Aud. vt. 1, sec. A.

For prior records, see entries 435, 436.

435. RECORD OF APPROPRIATIONS AND DISBURSEMENTS, 1912-23. 9 vols. (1-9).

Record of disbursements of county funds, showing date, number, and amount of order; and name of fund. Arr. by dates of orders. 600 pp. 16 x 20 x 3. Aud. bsmt. vt. 2, sec. D.

For prior records, see entries 437, 438; for subsequent records, see entry 434.

436. RECORD OF RECEIPTS, 1912-23. 1 vol.

Record of receipts of county revenue from various sources, showing date, number, amount, and nature of receipt; and names of payer, taxing unit, and fund. Arr. by dates of receipts. Hdw. 350 pp. 20 x 28 x 2. Sub-smt. vt., sec. I.

For prior records, see entry 437; for subsequent records, see entry 434.

437. GENERAL FUND, 1871-1911. 4 vols. (2, 2, 3, and 1 vol. not numbered).

Record of auditor's receipts, appropriations, and disbursements of county funds, showing date of receipt or disbursement, warrant or receipt number, names of payee or payer and fund, and balance. Arr. by dates of receipts or disbursements. Hdw. 500 pp. 18 x 24 x 3½. Sub-bsmt. vt., sec. C.

For prior records, see entries 439, 440; for subsequent records, see entries 435, 436.

438. COUNTY FUND EXPENDITURES, 1871-1911. 13 vols. (1-6, 1-7). Record of disbursements of county funds for general operating expenses, showing date, number, purpose, and amount of order; names of payee and fund, and balance. Arr. by dates of orders. Hdw. 500 pp. 18 x 24 x 3½. Sub-bsmt. vt., sec. H.

For prior records, see entries 439, 440; for subsequent records, see entry 435.

439. LEDGER, 1841-70. 3 vols. (A, B, B). Title varies: 1841-59, General Funds, Receipts and Disbursements.

Record of receipts and disbursements of county funds, showing date, amount, number, and nature of receipt or warrant; names of payee or payer and fund; and balance or overdraft. Arr. by names of funds. Hdw. 450 pp. 18 x 14 x 3. Sub-bsmt. vt., sec. H.

For subsequent records, see entry 437, 438.

440. JOURNAL, 1841-70. 3 vols. (A, B, B). Title varies: 1841-59, Receipts and Disbursements.

Register of receipts and disbursements of county revenue, showing date, number, and amount of receipt or disbursement; and names of payer or payee and fund. Arr. by dates of receipts or disbursements. Hdw. 450 pp. 18 x 14 x 3. Sub-bsmt. vt., sec. H.

For subsequent records, see entries 437, 438.

441. REGISTER OF WARRANTS, 1830—. 26 vols., 24 bdls. Title varies: 1830-1910, Register of Orders, County Orders.

Register and duplicates of warrants drawn on treasurer for payment of county expenses, showing nature of claim; date, amount, and number of order; and name of payee. Arr. by order nos. Hdw. Vols., 250 pp. 18 x 12 x 2; bdls., 18 x 12 x 10. 13 vols., 1830-1924, sub-bsmt. vt., sec. C; 24 bdls., 7 vols., 1925-36, aud. bsmt. vt. 2, sec. C. 6 vols., 1937—, aud. vt. 1, sec. C.

442. CERTIFICATE OF DISTRIBUTION, COUNTY FUND, 1912—. 7 vols. Copies of certificates for semiannual distribution of tax collections to various taxing units and funds, showing date, amount, number, and nature of certificate; and names of fund and taxing unit. Arr. by certificate nos. Hdw. 300 pp. 12 x 16 x 2. 4 vols., 1912-May 12, 1930, sub-bsmt. vt., sec. 1; 3 vols., May 13, 1930—, aud. vt. 1, sec. C.

443. VENUE RECORD, 1905—. 2 vols.

Record of costs paid for causes venued to other counties, showing dates, numbers, and amount of receipt and warrant; number and title of cause; and names of payee and foreign county. Arr. by dates of warrants. Hdw. 200 pp. 13 x 14 x 1½. Aud. vt. 1, sec. A.

For other change of venue records, see entries 154, 226.

444. COURT ALLOWANCES, 1922—. 6 file boxes (numbering varies). Orders of allowances approved by county courts for services rendered by court officers, showing date, nature, and amount of allowance; names of payee and court; and dates of service and filing. Arr. by dates of allowances. Typed. 10 x 5 x 15. Aud. vt. 1, secs. A, D.

For prior records, see entry 3.

445. TREASURER'S RECEIPTS, 1907—. 3 cartons, 8 file boxes. Treasurer's duplicate receipts received by auditor to issue quietuses for payment of money into county treasury, showing date, number, purpose, and amount of receipt; and names of payer and fund. Arr. by receipt nos. Typed. Cartons, 10 x 5 x 32; file boxes, 10 x 5 x 15. 3 cartons, 1907-9, aud. bsmt. vt. 2, sec. B; 8 file boxes, 1910—, aud. vt. 1, secs. A, C, D.

446. CASH RECEIPTS, 1929—. 3 vols.

Duplicates of quietuses issued by auditor on treasurer's receipts for payment of money to treasurer, showing date, number, purpose, and amount of quietus; names of payer and fund; and volume and page reference to General Ledger, entry 434. Arr. by quietus nos. Typed. 550 pp. 18 x 16 x 4. Aud. vt. 1, sec. C.

447. CANCELLED CHECKS, 1918—. 3 cartons, 2 bins, 56 file boxes.

Title varies: 1933-34, Warrants.

Canceled warrants issued by auditor on treasurer, showing date, number, amount, and nature of warrant; names of payee, depository, and fund; appropriation number; and date of redemption. Arr. by warrant nos. Typed. Cartons, 15 x 20 x 20; bins, 24 x 32 x 32; file boxes, 10 x 5 x 15. 3 cartons, 2 bins, 1918-32, sub-bsmt. vt., secs. J, K; 56 file boxes, 1933—, aud. vt. 1, sec. B.

448. ORDERS REDEEMED [Duplicates], 1836-72, 1919-24. 12 file boxes, 5 cartons.

Duplicate orders issued by auditor on treasurer for payment of county expenses, showing date of order and filing; number, amount, and purpose of order; claim and appropriation numbers; and names of payee and fund. Arr. by dates of filing. Hdw. File boxes, 10 x 5 x 15; cartons, 10 x 5 x 32. 12 file boxes, 1836-72, aud. vt. 1, sec. D; 5 cartons, 1919-24, sub-bsmt. vt., sec. J.

449. REGISTER OF EXPENDITURES, NEW COURTHOUSE AND JAIL, 1895-1900. 1 vol.

Record of orders issued by auditor on treasurer in payment of claims for labor and material for construction of new courthouse and jail, showing date, number, nature, and amount of order; names of payee and fund; and amount of balance of appropriation. Arr. by order nos. Hdw. 100 pp. 13 x 12 x 1. Sub-bsmt. vt., sec. B.

ROAD FUNDS

450. REPAIR FUNDS—GRAVEL ROADS, 1920-25. 3 vols.

Record of expenses incurred for maintenance of gravel roads, showing date and amount of expenditure, name of road, and itemized list of materials used and repairs made. Arr. by dates of expenditures. Hdw. 250 pp. 18 x 16 x 3. Aud. bsmt. vt. 3, sec. B.

For subsequent records, see entry 434.

451. RECORD OF ROAD RECEIPTS, 1877-1911. 3 vols. Discontinued. Record of receipts issued for work performed on roads and submitted to auditor in lieu of tax payments, showing date, number and amount of receipt; names of township and landowner; years paid; and balance due. Arr. by names of twps., thereunder by receipt nos. Hdw. 502 pp. 18 x 13 x 2½. Aud. bsmt. vt. 2, sec. B.

POOR FUNDS

452. POOR RELIEF DOCKET, 1936—. 1 vol. Register of poor fund claims filed by township trustees and certified by auditor for payment, showing date of claim; claim, appropriation, and warrant numbers; name of claimant; and amount of claim. Arr. by claim nos. Typed. 150 pp. 16 x 14 x 1. Aud. vt. 1, sec. A.

453. REGISTER OF POOR FUNDS, 1878-1911. 2 vols. Title varies: 1879-99, Register of Allowance for Relief of Poor. Register of allowances for poor relief in townships, showing date, amount, number, and nature of order; and names of recipient, township, and fund. Arr. by order nos. Hdw. 600 pp. 18 x 14 x 3. 1 vol., 1879-99, sub-bsmt. vt., sec. I; 1 vol., 1900-1911, aud. vt. 1, sec. C.

For subsequent records, see entry 16.

TAXES

APPRAISEMENTS

454. TRANSFER BOOK, 1851—. 117 vols. Record of transfer of titles to real property, showing date of transfer, location and description of property; names of owner, purchaser, town, and addition; value of property; and amount of fee. Arr. by dates of transfers. Hdw. 315 pp. 18 x 18 x 2. 92 vols., 1851-1920, aud. bsmt. vt. 3, sec. B; 4 vols., 1921-27, aud. bsmt. vt. 2, sec. D. 21 vols., 1928—, aud. vt. 1, sec. B.

455. ABSTRACT OF TAXABLE PROPERTY, 1890—. 3 vols. Abstracts of valuation of real and personal property from which rate of tax levies for all townships are determined, showing date of abstract; amounts of real and personal property, improvement, exemption, deduction, delinquent tax, and net value of taxables; names of township, taxing unit, and fund; and rates of poll tax and tax levy. Arr. by dates of abstracts. Hdw. 200 pp. 24 x 36 x 2. 2 vols., 1890-1902, sub-bsmt. vt., sec. C; 1 vol., 1903—, aud. vt. 1, sec. D.

456. ABSTRACTS OF TITLE, ST. JOE CO., 1879-1909. 2 file boxes. Uncalled for abstracts of successive changes in ownership to real estate left with auditor for transfer of title or to prove ownership of property, showing location, description, and copy of original plat; dates of abstract and recording; names of grantor and grantee; amounts of mortgage and taxes due and paid; assessed valuation; and sale price of real estate. Arr. by dates of recording. 1879-1901, hdw.; 1902-9, typed. 10 x 5 x 15. Aud. vt. 1, sec. A.

457. DECREES ORDERING PARTITION SALES, 1934—. 2 file boxes. Duplicates of court decrees ordering division of lands upon petition for partition of property filed with auditor for recording transfers of titles,

showing dates of petition, filing, and decree; description, location, and valuation of property; names of plaintiffs, defendants, court, and township; and date received by auditor for transfer. Arr. by dates of filing. Typed, 10 x 5 x 15. Aud. vt. 1, sec. D.

458. VALUATION OF LANDS, 1846-69. 5 vols.

Record of valuation placed on real property subject to taxation, showing date of assessment; description, location, and valuation of land and improvements; names of owner and taxing unit; and assessed valuation of lands in each township. Arr. by names of twps., thereunder alph. by names of owners. Hdw. 240 pp. 13 x 9 x 3½. Sub-bsmt. vt.

RETURNS

459. RAILROAD REPORTS, 1913—. 12 file boxes.

Reports of railroad companies to state board of tax commissioners of property owned for purposes of assessment for taxation, showing names of railroad, county, township, and city or town; miles of track; valuation of all property and improvements; and dates of report and filing. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1, secs. A, C.

460. BANK AND BUILDING AND LOAN TAX, 1933—. 11 file boxes.

Monthly statements of banks and building and loan associations of capital, surplus, undivided profits, and deposits for purpose of determining tax assessments, showing dates of filing and report, name and address of bank, financial statement, total amount of assets subject to tax, and amount of tax levy. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

ASSESSMENTS

461. ASSESSOR BOOKS, 1831—. 1759 vols.

Record of all real and personal property assessed, showing location and description of property; names of taxing unit and property owner; valuation of lands, lots, improvements, and additional improvements; total value of all taxables; and amounts of mortgage and soldier's exemption. Arr. alph. by names of property owners. 1831-1911, hdw.; 1912—, typed. 300 pp. 18 x 13 x 2. 1517 vols., 1836-1928, aud. bsmt. vt. 3, secs. A, B; 242 vols., 1929—, aud. vt. 1, sec. A.

462. [CUBE SYSTEM OF BUILDINGS], 1932—. 36 file boxes.

File cards of assessed valuation of real property for Portage and Penn Townships by cube system of assessment, showing age, general construction, and cubic feet of building displacement, description, location, and valuation of land and buildings; names of owner and taxing unit; rate per cubic foot; and total assessed valuation. Arr. alph. by names of owners. Hdw. 8 x 8 x 24. Assr. main off.

463. ASSESSMENT LIST [Personal Property], 1932—. 1955 vols.

Assessment lists of all personal and intangible property subject to taxation, showing date and amount of assessment; description, location, and valuation of property; value of intangibles; and names of taxpayer and taxing unit. Arr. alph. by names of taxpayers. Hdw. 300 pp. 18 x 13 x 2. 780 vols., 1932-34, aud. sub-bsmt. vt., secs. A, C; 600 vols., 1935-36, aud. bsmt. vt. 3; sec. B; 209 vols., 1937, assr. off. 366 vols., 1937—, aud. vt. 1, sec. A.

EXEMPTIONS

464. MORTGAGE EXEMPTIONS, 1927—. 214 vols. (numbering varies). Affidavits of mortgage indebtedness, showing dates of affidavit and filing; names of mortgagor, mortgagee, and township; description, location, and valuation of property; amounts of mortgage and exemption; and volume and page reference to Mortgage Record, entry 95. Arr. alph. by names of mortgagors. Hdw. 440 pp. 12 x 9 x 3. 161 vols., 1927-35, aud. bsmt. vt. 2, sec. D; 53 vols., 1936—, aud. vt. 1, sec. B.

465. SOLDIER'S EXEMPTION, 1930—. 2 file boxes.

Affidavits of soldiers or their widows filed to secure tax exemptions, showing name, age, and address of affiant; date of affidavit; name of war; and location, description, and valuation of property. Arr. by dates of affidavits. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. C.

466. [FIREMAN'S REBATE AND QUIETUS], 1934—. 1 vol.

Duplicates of quietuses issued to city firemen for rebate on real and personal property taxes, showing date, number, and amount of quietus; name of fireman; and location, description, and valuation of property. Arr. by quietus nos. Typed. 300 pp. 18 x 13 x 1½. Aud. vt. 1, sec. D.

DELINQUENT AND ERRONEOUS

(See also entries 395-400)

467. CURRENT REGISTER TAX SALES, 1843—. 8 vols. (1-6, and 2 vols. not numbered).

Register of property sold by treasurer for nonpayment of taxes, showing sales certificate number; date, amount, and nature of sale; description, location, and valuation of property; names of owner, purchaser, and taxing unit; and dates of redemption and payment. Arr. by certificate nos. 1843-1914, hdw.; 1915—, typed. 300 pp. 18 x 18 x 3. Aud. vt. 1, secs. A, D.

468. TAX REBATES, 1914—. 14 file boxes. Title varies: Certificate of Reduction.

Original certificates issued by auditor to taxpayer for reduction granted on taxes, showing name of taxpayer; date, amount, and cause of tax reduction; installment on which rebate is to be applied; and volume and page reference to Tax Duplicate, entry 387. Arr. by dates of reductions. Hdw. 10 x 5 x 15. Aud. vt., sec. C.

469. CANCELLED TAX CERTIFICATES, 1919—. 8 cartons, 3 file boxes. Original certificates issued to purchasers of property sold for nonpayment of taxes, showing certificate number, dates of sale and cancellation of certificate, names of owner and purchaser, description and location of property, amount of purchase, and conditions of certificate. Arr. by dates of cancellation. Typed. Cartons, 10 x 5 x 32; file boxes, 10 x 5 x 15. 6 cartons, 1919-24, 1932-36, aud. bsmt. vt. 2, sec. B; 3 file boxes, 2 cartons, 1925-31, 1937—, aud. vt. 1, sec. C.

470. [DECLARATION OF TAXPAYER], 1937—. 5 vols.

Declarations of taxpayers to accept twelve-payment plan on delinquent tax payments, showing names of taxpayer and taxing unit, declaration and duplicate numbers, description and location of property, and date of declaration. Arr. by taxing units, thereunder alph. by names of taxpayers. 600 pp. 8 x 8 x 4. Aud. vt. 1, sec. C.

471. INHERITANCE TAX REFUNDS, STATE TAX BOARD ORDERS, 1937—. 1 file box.

Orders from state board of tax commissioners ordering refunds on inheritance taxes, showing dates of order, payment, and filing; names of estate, heirs, and attorney; and cause and amount of refund. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

For inheritance tax records, see entries 118, 206, 238, 390, 391.

472. RECORD OF DELINQUENT LANDS AND LOTS, 1843-1909. 8 vols. (1, 2, 1-6).

Record of lands and lots returned delinquent for nonpayment of taxes, showing date of delinquency; location, description, and valuation of property; total amounts of tax and penalty; and names of taxpayer and taxing unit. Arr. by names of taxing units, thereunder alph. by names of taxpayers. Hdw. 300 pp. 18 x 13 x 3. 5 vols., 1843-75, 1880-90, sub-
bsmt. vt., sec. C; 3 vols., 1876-79, 1891-1909, aud. bsmt. vt. 3, sec. B.

For subsequent records, see entry 387.

PLATS

(See also entries 93, 94)

473. [TOWNSHIP] ASSESSOR'S PLAT BOOK, 1916—. 25 vols.

Drawings of plats in each township of St. Joseph County (except City of South Bend), showing plat, section, township, and range numbers; names of owners and township; description of land; number of acres; value of lands, lots, and improvements; date of transfer; and volume and page reference to Deed Record, entry 85. Arr. by section and range nos. Hdw. 60 pp. 13 x 12 x 1. 6 vols., 1916-29, aud. off.; 1 vol., 1916-29, assr. main off.; 18 vols., 1930—, aud. vt. 1, sec. A.

474. PLAT BOOK OF SOUTH BEND, 1846-1929. 24 vols.

Plats of lots, additions, and subdivisions of South Bend, showing names of property owners, streets, and additions; location of land; and lot dimensions in feet. Arr. by names of additions. Hdw. 75 pp. 18 x 32 x 1. 15 vols., 1846-1916, aud. bsmt. vt. 3, sec. C; 9 vols., 1917-29, assr. main off.

475. CONGRESSIONAL PLAT BOOK, ST. JOSEPH COUNTY, 1844. 1 vol.

Plat maps of lands in county congressional districts, showing congressional district, section, range, and township numbers; plat map of congressional district; and dimensions in chains. Arr. by congressional district nos., thereunder by section and range nos. 100 pp. 19 x 12 x 1½. Aud. vt. 1, sec. A.

SCHOOL FUNDS

(See also entries 415, 416)

476. REGISTER OF LOANS TRUST FUND, 1839—. 1 vol.

Register of loans made from common and congressional school, permanent endowment, cemetery and trust funds, showing date, amount, and number of loan; names of mortgagor, township, and fund; location, description, and assessed valuation of property; number and amount of receipt for repayment; and total balance due. Arr. by loan nos. Hdw. 250 pp. 17 x 13 x 3. Aud. vt. 1, sec. D.

477. ENUMERATION, 1885—. 2 file boxes.

Copy of report of county superintendent of schools to state superintendent of public instruction of enumeration of school children in county, showing date of report; total enumeration of white and colored children; number of children attending schools, employed, unemployed, and physically disabled; and total amounts of gains and losses over previous year. Also contains: [Auditor's Report of School Revenue for apportionment], 1885—, entry 478; [Auditor's Report of Special School Revenue], 1886—, entry 479; [Report on Condition of School Funds], 1890—, entry 480; [Auditor's Report of Apportionment of School Revenue], 1889—, entry 481. Arr. by dates of reports. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. D.

478. [AUDITOR'S REPORT OF SCHOOL REVENUE FOR APPORTIONMENT], 1885—. In Enumeration, entry 477.

Copies of auditor's reports to state superintendent of public instruction of amounts collected from tuition and congressional township revenue for apportionment to various townships, showing dates of report and filing; and total amounts derived from interest, unclaimed fees, rents, and profits.

479. [AUDITOR'S REPORT OF SPECIAL SCHOOL REVENUE], 1886—. In Enumeration, entry 477.

Copies of auditor's reports to state and county superintendent of public instruction of amount of special school revenue collected in several school corporations of county, showing date of report, balance in special school fund, and amounts derived from special tax and vocational and library levies.

480. [REPORT ON CONDITION OF SCHOOL FUNDS], 1890—. In Enumeration, entry 477.

Copies of auditor's reports to state superintendent of public instruction on financial condition of congressional township and common school funds, showing date of report; itemized account of funds derived from various sources, valuation of forfeited lands, amount of losses sustained during year, and balance of fund.

481. [AUDITOR'S REPORT OF APPORTIONMENT OF SCHOOL REVENUE], 1898—. In Enumeration, entry 477.

Copies of auditor's reports to state superintendent of public instruction of enumeration of school children and apportionment of school funds to various townships, showing date of report; name of township, town, or city; enumeration according to township and range; average daily attendance; and amounts of distribution and advances.

482. SCHOOL FUND PRINCIPAL AND INTEREST, June 1936—. 1 vol.

Financial account of principal and interest payments and conditions of school fund loans, showing dates, numbers, and amounts of mortgage and receipt; name and address of mortgagor; description, location, and assessed valuation of property; amounts of insurance premium, delinquent taxes, interest, and total indebtedness; and date of last interest payment. Arr. alph. by names of mortgagors. Hdw. 200 pp. 30 x 12 x 2. Aud. vt. 1, sec. D.

For prior records, see entries 483, 485.

483. MEMORANDUM OF SCHOOL FUND PRINCIPAL, 1871-May 1936. 3 vols. Title varies: 1871-1901, School Fund Principal.

Record of payments of principal on school fund loans, showing date, number, and amount of receipt; loan and congressional township numbers; name of payee; amounts of deferred payment, increase to common school fund, and common and congressional school loans made and refunded; and total amounts paid into congressional township and common school funds. Arr. by receipt nos. Hdw. 250 pp. 18 x 12 x 2½. 2 vols., 1871-Mar. 1916, sub-bsmt. vt. sec. G; 1 vol., Apr. 1916-May 1936, aud. vt. 1, sec. D.

For prior records, see entry 484; for subsequent records, see entry 482.

484. REGISTER OF RECEIPTS SCHOOL FUNDS, 1843-70. 3 vols. (1 vol. not numbered, 1, 2).

Record of receipts of principal and interest on common and congressional school fund loans, showing date, number, amount and nature of receipt; school fund loan number; name of payer; and total amount paid. Also contains: Register of Orders School Fund, 1843-52, entry 490. Arr. by dates of receipts. Hdw. 200 pp. 14 x 10 x 1½. Sub-bsmt. vt., sec. G.

For subsequent records, see entries 483, 485.

485. REGISTER OF RECEIPTS AND DISBURSEMENTS SCHOOL FUND INTEREST, 1871-Mar. 1936. 3 vols. Title varies: 1871-1911, School Fund Interest.

Record of receipts of interest on school fund loans and disbursements of congressional township school funds, showing date and number of order or quietus; names of payer or payee and fund; amount of receipt and disbursement; and total amount of fund. Arr. by dates of receipts or disbursements. Hdw. 200 pp. 18 x 13 x 2. 2 vols., 1871-1911, sub-bsmt. vt., sec. G; 1 vol., 1912-Mar. 1936, aud. vt. 1, sec. D.

For prior records, see entries 484, 486; for subsequent records, see entry 482.

486. MEMORANDUM OF SCHOOL FUND INTEREST, 1843-70. 2 vols.

Record of payment of interest on school fund loans, showing names of mortgagor and fund; loan and order numbers; amounts of loan, interest, and payment; dates of loan and payment; and total interest paid on loan. Arr. alph. by names of mortgagors. Hdw. 150 pp. 18 x 13 x 1½. Sub-bsmt. vt., sec. G.

For subsequent records, see entry 485.

487. LEDGER [Congressional School Fund], 1841-1911. 2 vols. (A, B).

Record of receipts and disbursements of congressional school fund, showing date, nature, and amount of receipt or disbursement; numbers of receipt or order; names of payer or payee and fund; loan number; and total balance in each fund. Also contains: Ledger [Common School Fund], 1871-1910, entry 488. Arr. by names of funds, thereunder by dates of receipts or disbursements. Hdw. 200 pp. 14 x 10 x 2. Sub-bsmt. vt., sec. G.

488. LEDGER [Common School Fund], 1841-70. 3 vols. 1871-1910, in Ledger [Congressional School Fund], entry 487.

Record of receipts and disbursements of common school fund, showing

date, nature, and amount of receipt or disbursement; number of receipt or order; names of payee or payer and fund; loan number; and total balance. Arr. by dates of receipts or disbursements. Hdw. 200 pp. 14 x 10 x 2. Sub-bsmt. vt., sec. G.

489. JOURNAL [School Funds], 1850-70. 2 vols. (1 vol. not numbered, 2).

Record of receipts and disbursements of school funds, showing receipt or order and loan numbers, date and amount of receipt or disbursement, names of payee or payer and fund, and balance. Arr. by names of funds, thereunder by dates of receipts or disbursements. Hdw. 200 pp. 14 x 10 x 2. Sub-bsmt. vt., sec. G.

490. REGISTER OF ORDERS SCHOOL FUND, 1853-71. 1843-52, in Register of Receipts School Funds, entry 484.

Record of orders drawn on treasurer for disbursement of school funds, showing date, number, nature, and amount of order; and names of payee and fund. Arr. by order nos. Hdw. 200 pp. 14 x 10 x 1½. Sub-bsmt. vt., sec. G.

491. REGISTER OF SALES OF SCHOOL LANDS, 1833-89. 2 vols.

Record of sales of county school lands, showing date of contract and certificate of sale; amount, number, and nature of certificate; description and location of property; amount of payment; rate of interest; and name of purchaser. Arr. by certificate nos. Hdw. 150 pp. 15 x 10 x 1½. Aud. vt. 1, sec. A.

PUBLIC WELFARE

(See also entries 17, 122, 123, 553-585)

492. OLD AGE PENSION RECOVERY CLAIMS, 1934—. 1 file box.

Original copies of recovery claims issued by county welfare department to recover from recipient public assistance payments, showing date of claim; code, serial, and receipt numbers; name of recipient; amount of payment made recipient with interest; and amount of receipt due county and state department of public welfare. Arr. by dates of claims. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

493. CERTIFICATIONS OF CLAIMS DEPT. OF PUBLIC WELFARE, 1936—. 1 file box.

TriPLICATE copies of monthly certifications of county welfare department and county auditor of claims and warrants paid to state department of public welfare, showing date of certification, code number, and total amount of claims paid. Arr. by dates of certifications. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

494. STAFF APPOINTMENTS D[eartment of] P[ublic] W[elfare], 1937—. 2 file boxes.

Duplicate copies of reports of county director to auditor of appointments of personnel, board, and officers to department of public welfare, showing date of approval or appointment; name, address, classification, monthly salary, and travel allowance of appointee; names of director or judge making appointment. Arr. by dates of appointments. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

495. DEP[ARTMEN]T PUBLIC WELFARE BURIAL, 1937. 1 file box.

Duplicate burial claims for aged assistance recipients, showing code,

serial, claim, and warrant numbers; name of decedent; name and address of payee; dates and amount of claim and warrant; and certifications of welfare director and county auditor. Arr. by dates of claims. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

496. D[EPARTMENT OF] P[UBLIC] W[ELFARE] CLAIMS FOR PERSONAL SERVICES, 1937—. 1 file box.

Original monthly allowance schedules of claims approved by director of public welfare for personal services verified and paid by county auditor, showing date of allowance schedule; name of employee; appropriation number; and date, number, and amount of warrant. Also contains: [Allowance Schedule for Assistance to Destitute Children], entry 497. Arr. by dates of allowance schedules. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

497. [ALLOWANCE SCHEDULE FOR ASSISTANCE TO DESTITUTE CHILDREN], 1937. In D[epartment of] P[ublic] W[elfare] Claims for Personal Services, entry 496.

Original copies of monthly allowance schedules of claims approved by director of public welfare for assistance to destitute children and verified and paid by county auditor, showing date of allowance schedule; claim, code, and serial numbers; name of child; name and address of payee; purpose of payment; dates, numbers, and amounts of claim and warrant; and dates of certification of claim and issuance of warrant by county auditor.

498. REIMBURSEMENTS FROM STATE OLD AGE ASSISTANCE AND DEPENDENT CHILDREN, Mar. 1937—. 1 file box.

Triplicate copies of certification by state administrator of department of public welfare to auditor of state for reimbursement to county of funds expended by county for service for dependent and crippled children and old-age assistance, showing date of certification, total amount of disbursements by county, amount of reimbursement from state to county, and certification of state administrator. Arr. by dates of certifications. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

499. FINANCIAL REPORT DEP[ARTMENT] OF PUBLIC WELFARE, 1938—.

Duplicate copies of monthly financial reports from county to state department of public welfare, showing date of report; amount and source of receipt; balance in fund; amount and nature of disbursement; balance of appropriation; amount expended for personal service; report and amount of recoveries for public assistance from recipients' estates; and warrants issued for assistance for old-age and dependent children. Arr. by dates of reports. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

500. SCHEDULE OF CLAIMS PAID SERVICES FOR CRIPPLED CHILDREN, 1938. 1 file box.

Duplicate copies of schedules of claims paid for services for crippled children, showing date of schedule; code, serial, claim, and warrant numbers; name of child; name and address of payee; nature of payment; amount of warrant; and certifications of director of department of public welfare and auditor of total amount of claims paid and warrants issued. Arr. by dates of schedules. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

OFFICIAL BONDS

(See also entries 36-40)

501. TRUSTEES' AND ASSESSORS' BOND RECORD, 1870—. 3 vols.

Record of bonds posted by township trustees and assessors to insure faithful discharge of duties, showing date, amount, and conditions of bond; and names of principal, township, and sureties. Indexed alph. by names of principals. Hdw. 600 pp. 12 x 10 x 2. 2 vols., 1870-Nov. 10, 1904, sub-bsmt. vt., sec. J; 1 vol., Nov. 11, 1904—, aud. vt. 1, sec. A.

502. SCHOOL TRUSTEE'S BOND REGISTER, 1897—. 1 vol.

Register of bonds posted by school trustees to insure faithful performance of duties, showing date, amount, and conditions of bond; and names of principals, town or city, and sureties. Indexed alph. by names of principals. Hdw. 600 pp. 18 x 13 x 3. Aud. vt. 1, sec. A.

503. OFFICIAL BONDS, 1850-1926. 4 file boxes.

Original bonds posted by township officials to guarantee faithful discharge of duties, showing date, amount, and conditions of bond; and names of official and sureties. Arr. by dates of bonds. Hdw. 10 x 5 x 15. Aud. vt. 1, sec. A.

For subsequent records, see entry 3.

MISCELLANEOUS

504. ENUMERATION OF WHITE AND COLORED MALES, 1883-1937.

106 vols.

Sexennial enumeration of white and colored male inhabitants over 21 years of age, showing date of enumeration; name, age, address, and color of registrant; and names of township and assessor. Arr. alph. by names of registrants. Hdw. 50 pp. 11 x 8 x ½. 77 vols., 1883-1931, aud. sub-bsmt. vt., sec. J; 29 vols., 1937, aud. bsmt. vt. 2, sec. A.

505. WAREHOUSE PERMITS, 1918—. 1 file box.

Permits issued by auditor to carry on business of warehousing in county, showing names and addresses of applicant and business, conditions and obligations of permit, and dates of issue and filing. Arr. by dates of filing. Typed. 10 x 5 x 15. Aud. vt. 1, sec. C.

506. MEANDER SWAMP LANDS, 1850-Jan. 1, 1855. 1 vol.

List of swamplands purchased in county, showing date of purchase, certificate number, name of purchaser, number of acres, and location and description of land. Arr. by dates of purchases. Hdw. 200 pp. 18 x 14 x 1½. Aud. vt. 1, sec. A.

507. PAPERS RELATING TO ADJOINING COUNTIES, 1867-96. 1 file box.

Statements submitted to county auditor for collection of taxes due adjoining counties from persons who have moved into Saint Joseph County, showing names of adjoining county and taxpayer, itemized account of taxes due, and dates of statement and filing. Arr. by dates of filing. Hdw. 10 x 5 x 15. Aud. vt. 1., sec. D.

XVIII. REGISTRATION OFFICER

The registration officer of St. Joseph County is the clerk of the circuit court, ex officio, by authority of an act of 1933.¹

¹ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

The Constitution of 1851 prescribed the qualifications of voters² and an amendment of 1881 enjoined the general assembly to provide for the registration of all persons entitled to vote.³ Various laws for registration have been enacted: An act of 1867, establishing a township board of registry,⁴ was repealed in 1869.⁵ Acts of 1889⁶ and 1891,⁷ providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890⁸ and 1896,⁹ respectively; an act of 1911, providing for a precinct registration board,¹⁰ was repealed in 1917;¹¹ and an act of 1917, creating a board of registration commissioners, generally called the registration board, consisting of the clerk of the circuit court and two qualified electors appointed by him, one from each of the major political parties,¹² was repealed in 1919,¹³ and the board was succeeded by precinct boards of an act of that year;¹⁴ and an act of 1925 created a registration board, consisting of the auditor and a person of opposite political faith, appointed by him.¹⁵ In 1927, all preceding acts from 1919 were repealed.¹⁶ The present system was established by an act of 1933, amended in 1935.¹⁷

Registration of all voters is a requirement for voting at all general, primary, and special elections in which all of the qualified voters of the state may participate.¹⁸ The registration officer has full charge and control of the registration of the voters and provides all the books and supplies which may be needed.¹⁹

The official registration books consist of the original affidavits of registration, fastened in binders,²⁰ and constitute a permanent registration record.²¹ Voters need not register again, so long as they continue to reside in the same county, but failure to vote in any two-year period automatically cancels the elector's registration.²² If the registration books of any precinct are destroyed or mutilated, or are inaccessible, a reregistration is had upon determination by the board of commissioners of the county.²³

² Const., art. 2, sec. 2.

³ *Ibid.*, sec. 14.

⁴ Acts 1867, ch. 51, sec. 2.

⁵ Acts 1869 (Spec. Sess.), ch. 31, sec. 1.

⁶ Acts 1889, ch. 87, sec. 13.

⁷ Acts 1891, ch. 144, sec. 1.

⁸ 125 Ind. 281.

⁹ 144 Ind. 423.

¹⁰ Acts 1911, ch. 150, sec. 3.

¹¹ Acts 1917, ch. 139, sec. 47.

¹² *Ibid.*, sec. 4.

¹³ Acts 1919, ch. 150, sec. 1.

¹⁴ *Ibid.*, ch. 186, sec. 4.

¹⁵ Acts 1925, ch. 138, sec. 1.

¹⁶ Acts 1927, ch. 195, sec. 1.

¹⁷ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

¹⁸ Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1938 suppl., 29-336; Baldwin, 1935 suppl., 7334.

¹⁹ Acts 1933; Burns 29-309; Baldwin 7307.

²⁰ Acts 1933; Burns 29-313, 29-316; Baldwin 7311, 7314.

²¹ Acts 1933; Burns 29-302; Baldwin 7300.

²² Acts 1933; Burns 29-303, 29-320; Baldwin 7301, 7318.

²³ Acts 1933; Burns 29-304; Baldwin 7302.

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.²⁴

The records are located in the courthouse.

508. [MASTER REGISTRATION CARDS], 1934—. 4 file safes.

Original registration cards of voters, showing dates of registration, elections in which voter has participated, and reinstatement; name, address, age, sex, birthday, and affidavit of voter; and ward, precinct, and registration numbers. Arr. alph. by names of voters. Hdw. 4 x 5½ x 6. Reg. off. off.

509. [PRECINCT REGISTRATION CARDS], 1934—. 9 file drawers.

Registration cards of voters, showing name, age, sex, address, and signature of voter; registration, precinct, and ward numbers; length of residence in precinct; and whether or not naturalized. Arr. by ward and precinct nos., thereunder alph. by names of voters. Hdw. 14 x 24 x 32. Reg. off. off.

510. [CANCELED REGISTRATION CARDS], 1937. 19 bdl.

Registration cards withdrawn from master files because of failure of voters to comply with registration law, showing dates of registration and cancelation; name, address, age, and sex of disqualified voter; and precinct, ward, and registration numbers. Arr. alph. by names of disqualified voters. Hdw. 9 x 4 x 7. Clk. bsmt. vt. 4, sec. E.

511. REGISTER OF NOTICE TO BECOME A VOTER, 1890-92. 1 vol.

Record of notices of intention to become qualified voters, showing date of notice; name, address, and age of voter; name of township; and precinct and ward numbers. Arr. alph. by names of voters. Hdw. 300 pp. 16 x 10 x 2½. Clk. bsmt. vt. 3, sec. C.

512. REGISTER OF NOTICE TO HOLD RESIDENCE, 1890-92. 1 vol.

Record of notices of citizens holding residence for voting purposes, showing date of notice; name, address, and age of voter; ward and precinct numbers; and name of township. Arr. alph. by names of voters. Hdw. 200 pp. 16 x 12 x 2. Clk. bsmt. vt. 3, sec. C.

XIX. BOARD OF PRIMARY ELECTION COMMISSIONERS

The board of primary election commissioners of St. Joseph County is established by acts of 1907¹ and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him, one from each of the major political parties, nominated by the respective chairmen of the county committees of the parties. The primary election commissioners serve as election commissioners at the election for which nominations by the primary are made.²

Prior to 1907, nominations had been strictly a party affair. At first, candidates were proposed by a mass meeting, or by an informed caucus which might be a meeting, either of all the voters of the party in the precinct (township) or of party members interested sufficiently

²⁴ Acts 1933; Burns 29-334; Baldwin 7332.

¹ Acts 1907, ch. 282, secs. 1, 13.

² Acts 1915, 1917; Burns 29-504; Baldwin 7197.

to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates; these delegates were chosen by party officials such as precinct committeemen or county or district chairmen, as the case might be.³

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which adopted the Australian ballot system, recognized the right of the party to hold a primary, which was under the control of the chairman who certified the names of the nominees to the county board of election commissioners.⁴

An act of 1901, mandatory upon all parties casting ten per cent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections: One for precinct committeemen, and one for direct nominations of candidates or for election of delegates to a nominating convention. Each party selected its own board of primary election commissioners, consisting of the chairman, vice-chairman, secretary, and treasurer of the county central committee, together with not less than one qualified voter-freeholder from each township, to supervise these primaries which were conducted at the expense of the party. The polls were open from four to eight P. M., only members of the party could vote, and no two parties were permitted to hold primaries at the same time and place. The county chairman appointed the precinct election boards. The precinct committeemen, elected at the first primary, determined whether the party candidates should be nominated at a primary election or by a delegate convention. If a primary election was decided upon, the party chairman fixed the date and turned over the names of candidates, proposed by petition, to the county board of election commissioners which prepared the primary ballot. Returns were made to the party board of primary election commissioners which declared the nominees of the party, and the chairman certified their names to the county board of election commissioners. If a convention was decided upon, the party board of primary election commissioners determined the number of delegates to be elected from each precinct and fixed the time of meeting.⁵

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as election commissioners at the general election. This primary election included all parties casting a ten percent vote as in 1901, and was conducted by bipartisan precinct election boards paid from county funds. Precinct committeemen, however, were still elected at a party primary, conducted by party officials and held prior to the regular primary—separately for each party on the same date, at differ-

³ Alma Sickler Bender, *Why Go Back?...from the Direct Primary to the Convention System.* . ., 21.

⁴ Acts 1889, ch. 87, secs. 17, 18, 26.

⁵ Acts 1901, ch. 219, secs. 1-4, 6-11.

ent places in the precinct. Both primaries were otherwise subject to the general election laws.⁶

The present primary law incorporates both the nomination of candidates and the election of precinct committeemen and convention delegates in one primary election held at the same time and place, and is mandatory on all political parties casting ten percent of the total vote for secretary of state at the last preceding general election.⁷ The board of primary election commissioners of St. Joseph County supervises primary elections: It prints and distributes the ballots,⁸ appoints the precinct election boards upon nomination by the county chairmen of the two major political parties,⁹ and arranges the names of the candidates on the ballots.¹⁰ At all primaries the Australian ballot is used, made up of the tickets of the several parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, uniform in size.¹¹ Declarations of candidacy are filed with or certified to the clerk of the circuit court, who is a member of the board.¹² All expenses of the primary are paid from public funds.¹³ Candidates of the major political parties for all offices—including city, since 1933—except those to be voted upon by all the electors of the state, are nominated at the primary.¹⁴ The statutes governing general elections apply to all primaries.¹⁵

Papers of primary election matters are filed in the office of the clerk of the circuit court (a member of the board of primary election commissioners), and are usually destroyed after a reasonable time.

Such records as exist are located in the courthouse.

513. [ELECTION RECORD PRIMARY], 1916—. In Election Record, entry 516.

Sample ballots and record of number of ballots printed, distributed, and returned, showing dates of election and certification of inspector. Names of candidates, political party, office inspector, primary election commissioner and township; precinct numbers; and number of ballots printed, distributed, and returned.

514. CANDIDATE EXPENSE, 1930-32. 1 carton.

Political candidates' statements of primary and general election expenses, showing dates of election and expense statement, names of candidate and

⁶ Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

⁷ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-512; Baldwin 7197.

⁸ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁹ Acts 1915; Burns 29-505, 29-556, 29-559; Baldwin 7191, 7242, 7244. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096. Acts 1929, 1933; Burns 29-804; Baldwin 7093.

¹⁰ Acts 1915, 1937; Burns, 1938 suppl., 29-515; Baldwin, 1937 suppl., 7201.

¹¹ Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

¹² Acts 1915, 1917, 1933, 1935; Burns, 1938 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1938 suppl., 29-516; Baldwin, 1935 suppl., 7202.

¹³ Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

¹⁴ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-512; Baldwin 7197. Acts 1933; Burns 29-1807; Baldwin 11639.

¹⁵ Acts 1915; Burns 29-556 29-559; Baldwin 7242, 7244.

elective office, and amount and nature of expenditure. Arr. by dates of expense statments. Typed. 6 x 10 x 10. Clk. bsmt. vt. 3.

XX. BOARD OF CANVASSERS

The board of canvassers of St. Joseph County, consisting of the election commissioners, is established by an act of 1905.¹ The board elects its own chairman and the clerk of the circuit court is its clerk.²

Prior to 1843, the canvass of votes was made by the clerk of the circuit court in the presence of all the election judges who attended from the several townships.³ The board of canvassers, established in 1843, consisted of the inspectors from the several townships and the clerk of the circuit court acting as clerk, and was continued until 1905. In case of an inspector's inability to serve, one of the judges was selected in his place by the judges of the township or precinct.⁴

The canvass of votes in primary⁵ and special⁶ elections, including votes cast for city⁷ and township offices,⁸ is made in the same manner as in the general election.

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all process in county elections and obeys all orders of the board.⁹

The members of the board are required to assemble at six P. M., on the day of each election in the circuit courtroom¹⁰ to canvass and estimate the certificates, poll lists, and tally papers returned by the election inspectors;¹⁰ to aggregate and tabulate therefrom the votes of the county; and to declare in a certified statement the candidates elected in the county.¹¹

The ballots cast in all primary and general elections, together with all uncast ballots, are sealed in an envelope or bag by the inspector in the presence of the judges and clerks and delivered by him to the clerk of the circuit court who holds them subject to the demand of the judge of any circuit or superior court of the state. In event of suit to contest the election, the judge orders a recount. If no litigation arises, at the end of six months the clerk of the circuit court must destroy the ballots.¹²

The certificates, together with a statement of all votes tabulated, canvass sheets, pollbooks, and tally papers, are delivered to the clerk of

¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

² Acts 1905; Burns 29-1402; Baldwin 7378.

³ Acts 1817-18 (general), ch. 15, sec. 12. Rev. Laws 1831, ch. 32, sec. 12.

⁴ Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33.

⁵ Acts 1915; Burns 29-560; Baldwin 7245. Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1933; Burns 29-1807; Baldwin 11639.

⁶ Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249. Acts 1889; Burns 29-1611; Baldwin 7169.

⁷ Acts 1889 (Spec. Sess.); Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803; Baldwin 11635.

⁸ Acts 1933; Burns 29-1903; Baldwin 7252.

⁹ Acts 1905; Burns 29-1408; Baldwin 7384.

¹⁰ Acts 1905, ch. 113, sec. 1, p. 189. Acts 1927; Burns 29-1401; Baldwin 7377.

¹¹ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

¹² Acts 1881 (Spec. Sess.); Burns 29-2101; Baldwin 7388. Acts 1915; Burns 29-1304; Baldwin 7456.

the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter. They are destroyed after a reasonable time.¹³

Such records as exist are located in the courthouse.

515. PRIMARY, GENERAL ELECTIONS [Canvassers Sheets], 1920—.

11 cartons, 4 file boxes, 1 pigeonhole.

Record of results of primary and general elections and delegates elected to state conventions by political parties, showing date of election; names of political party, candidate, and office; township, ward, and precinct numbers; number of votes cast for candidate in each township, ward, and precinct, and total votes cast. Arr. by dates of elections. Hdw. Cartons, 6 x 10 x 10; file boxes, 10 x 5 x 15; pigeonhole, 5 x 10 x 15. 11 cartons, 1920-32, clk. bsmt. vt. 3, sec. E; 4 file boxes, 1 pigeonhole, 1934—, clk. vt. 1.

XXI. BOARD OF ELECTION COMMISSIONERS

The board of election commissioners of St. Joseph County is established by an act of 1889. The board consists of the clerk of the circuit court, and two persons appointed by him, one from each of the major political parties, nominated by the respective chairmen of the county committees of the parties.¹ These members are the same individuals at the primary and general elections, as the primary election commissioners, since 1907, also serve as the election commissioners at the general election for which nominations at the primary are made.² The board of election commissioners, since 1905, constitutes the board of canvassers.³

Prior to 1899, there was little centralized county control over elections. The unit in the beginning was the township, which, as the population increased, was divided into precincts. Such supervision as was necessary beyond the local unit was performed by various county officers. At the organization of St. Joseph County in 1830, the board of county commissioners laid off townships,⁴ appointed an inspector of elections in each,⁵ and delivered to the inspectors pollbooks and other blank forms and ticket boxes.⁶ From 1831 to 1853, the inspectors were elected by the voters of the township.⁷ After 1853, elections were conducted as follows: The clerk of the circuit court certified to the sheriff what officers were to be elected. The sheriff posted a copy of this certificate at the usual places of holding elections, published it in some newspaper of the county, and delivered a copy to each township clerk⁸ or trustee.⁹ The board of county commissioners designated the precincts,¹⁰ and furnished supplies

¹³ Acts 1905; Burns 29-1404; Baldwin 7380.

¹ Acts 1889; Burns 29-1102; Baldwin 7109.

² Acts 1907, ch. 282, sec. 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

³ Acts 1905; Burns 29-1401; Baldwin 7377.

⁴ Acts 1817-18 (general), ch. 17, sec. 2. Commissioner's Record, 1:7.

⁵ Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3. Commissioners' Record, 1:8.

⁶ *Ibid.*, secs. 1, 18.

⁷ Rev. Laws 1831, ch. 20, sec. 20. Thornton, *Indiana Township Officers*, 20, 21.

⁸ 1 Rev. Stat. 1852, ch. 31, sec. 2.

⁹ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

¹⁰ 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

(including ballot boxes but not ballots)¹¹—after 1881, the auditor furnished printed forms¹² and the commissioners, the ballot boxes.¹³ Each voter furnished his own ballot, which might be written or printed.¹⁴ The township trustee (from 1853 to 1859, the president of the board of township trustees)¹⁵ served ex officio as inspector of elections¹⁶ in the precinct in which he resided,¹⁷ and the board of county commissioners appointed inspectors in all additional precincts.¹⁸ The inspector appointed the judges; the inspector and judges, the clerks¹⁹—after 1881, from the political parties having the highest number of votes in the last preceding general election²⁰—thus forming the precinct election board.

Indiana, in 1889, was one of the first states to adopt the “Australian ballot”—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was established to prepare, print, and distribute the ballots and otherwise administer the election laws in the county.²¹

The constitution fixes the date of general elections as the Tuesday next after the first Monday in November²² and an act of the general assembly provides that they be conducted biennially.²³ The clerk of the circuit court certifies to the sheriff what officers are to be elected and the sheriff gives notice to the electors by posting up at the usual polling places a copy of such certificate.²⁴ The constitution further provides that all elections by the people must be by ballot,²⁵ which includes voting machines,²⁶ provided by the board of county commissioners.²⁷

The board of county commissioners also establishes the precincts²⁸ and provides all polling places and ballot boxes,²⁹ and the auditor furnishes blank pollbooks and other forms to the inspectors.³⁰

The county board of election commissioners supervises general elec-

¹¹ 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

¹² Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

¹³ *Ibid.*, sec. 18.

¹⁴ Acts 1817-18 (general), ch. 15, sec. 8. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 1881 (Spec. Sess.), ch. 47, sec. 23.

¹⁵ 1 Rev. Stat. 1852, ch. 31, sec. 3.

¹⁶ Acts 1859; Burns 65-105; Baldwin 16065. Acts 1859, 1889; Burns 65-102; Baldwin 16060.

¹⁷ Acts 1881 (Spec. Sess.), ch. 47, sec. 10.

¹⁸ 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁹ Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

²⁰ Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

²¹ Acts 1889, ch. 87, secs. 18, 26.

²² Const., art. 2, sec. 14 (as amended in 1881).

²³ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

²⁴ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

²⁵ Const., art. 2, sec. 13.

²⁶ *Spiekerman v. Goddard*, 182 Ind. 523; 107 N. E. 2.

²⁷ Acts 1901, 1903; Burns 29-2404; Baldwin 7352. Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148.

²⁸ Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

²⁹ Acts 1897; Burns 29-1121; Baldwin 7135. Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154.

³⁰ Acts 1889; Burns 29-808; Baldwin 7097.

tions:³¹ It prints and distributes ballots for the election of all officers to be voted for in St. Joseph County, other than those who are to be voted for by all the electors of the state.³² The state ballots are furnished by the state board of election commissioners.³³ The county ballots are prepared in accordance with petitions for placing candidates' names on the ballot and with certificates of nomination by convention or primary election, as filed with the clerk of the circuit court.³⁴ The county board also prints and furnishes the ballot label for the voting machines.³⁵

The election is conducted by the precinct election boards, consisting of one inspector and two judges, who are appointed by the county board of election commissioners. The township trustee is ex officio inspector in his own precinct and the other inspectors are nominated by the party casting the highest number of votes in the county for secretary of state in the preceding election. The two judges must be of opposite political faith and are nominated by the county chairmen of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and if found necessary, two assistant poll clerks—are nominated and appointed in the same manner.³⁶

Since 1933, city³⁷ and township³⁸ elections are held at the time of the general election, and are under the supervision of the county board of election commissioners,³⁹ as are all special elections.⁴⁰

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all order of the board.⁴¹

Records of all general elections are filed in the office of the clerk of the circuit court (a member of the board of election commissioners) for preservation as provided by statute.⁴²

The records are located in the courthouse.

516. ELECTION RECORDS, 1890—. 3 vols. (1 vol. not numbered, 2, 2). Sample ballots and record of number of ballots printed, distributed, and returned, showing dates of election and certification of inspector; names of candidates, political party, election commissioners, office, and township; precinct numbers; and number of ballots printed, distributed, and

³¹ Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376. Acts 1903; Burns 29-2407; Baldwin 7355.

³² Acts 1889; Burns 29-1002; Baldwin 7109.

³³ Acts 1889; Burns 29-1001; Baldwin 7108. Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920; Burns 29-1107; Baldwin 7121.

³⁴ Acts 1889, 1933; Burns 29-1003; Baldwin 7110.

³⁵ Acts 1901; Burns 29-2410; Baldwin 7358.

³⁶ Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096. Acts 1929, 1933; Burns 29-804; Baldwin 7093.

³⁷ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1806; Baldwin 11638.

³⁸ Acts 1933, 1935; Burns, 1938 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

³⁹ Acts 1933; Burns 29-1803; Baldwin 11635.

⁴⁰ Acts 1881; Burns 29-1704; Baldwin 7249. Acts 1889; Burns 29-1611; Baldwin 7169.

⁴¹ Acts 1905; Burns 29-1408; Baldwin 7384.

⁴² Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1911; Burns 29-2510; Baldwin 7447. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445.

returned. Also contains: [Election Record, Primary], 1916—, entry 513. Arr. by dates of elections. Hdw. 350 pp. 18 x 12 x 2½. Clk. order bk. rm.

517. RECORD OF APPOINTMENT OF ELECTION SHERIFFS, 1890-1928.
3 vols. (1-3).

Record of appointments of election sheriffs, showing date of appointment; names of sheriff, township, and appointee; ward and precinct numbers; and political affiliation. Arr. by dates of elections. Hdw. 200 pp. 12 x 8 x 1. Sher. off.

518. AFFIDAVIT OF INSPECTOR BEFORE CLERK, 1896-1918. 3 vols.
(1-3).

Oaths of election inspectors to faithfully perform the duties of their offices, showing dates of oath and election, names of inspector and clerk, and precinct and ward numbers. Arr. by dates of elections. Hdw. 250 pp. 12 x 8 x 2. Clk. bsmt. vt. 3.

XXII. BOARD OF EDUCATION

The board of education, established by an act of 1873, as amended in 1877, consists of the county superintendent of schools, the township trustees, and the chairman of the school board or board of school commissioners of each city and town of the county. As a matter of practice, the superintendent of schools and the township trustees compose the board of education of St. Joseph County, the chairmen taking no active part in its affairs. The majority of the members constitutes a quorum, and the superintendent of schools presides at its meetings and has a vote on all questions.¹

From 1873 to 1877, the same members constituted the board, except that all the school trustees of each town and township of the county were also included.²

The board of education meets semiannually on the first days of May and September to consider the general needs of the schools and to provide for the maintenance of school property and purchase of furniture, books, maps, charts, and other supplies.³ It may purchase textbooks from publishers and sell them to pupils at cost⁴ or rent them to pupils at not to exceed twenty-five percent of the retail price.⁵

Actually, the board functions in an advisory capacity only for schools outside of incorporated cities and towns of St. Joseph County. Each township trustee buys supplies for the schools in his township, and the county superintendent selects textbooks in instances where no adoption has been made by the state board of education.⁶

The records are located in the courthouse.

¹ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

² Acts 1873, ch. 25, sec. 8.

³ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

⁴ Acts 1921; Burns 28-614; Baldwin 6692.

⁵ Acts 1935; Burns, 1937 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

⁶ Interview with Grover Van Duyn, Assistant State Superintendent of Public Instruction.

519. [BOARD OF EDUCATION RECORD], 1878-1936. 2 vols. 1937—, in Board of Finance and Tax Adjustment and Record of School Loans Foreclosed, entry 375.

Minutes of meetings of board of education, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. by dates of meetings. Hdw. 300 pp. 15 x 10 x 2. Supt. main off.

XXIII. SUPERINTENDENT OF SCHOOLS

The superintendent of schools of St. Joseph County is elected by the township trustees for a four-year term, under the authority of an act of 1899 and later amendments, which increased his powers as originally defined in an act of 1873.¹ No person is eligible to the office of superintendent of schools who has not had five years' successful experience as a teacher and who does not hold a first or second grade superintendent's license.² The superintendent must execute a bond of five thousand dollars, approved by the auditor.³

Prior to 1899, the board of commissioners, by an act of 1853, appointed one to three school examiners for the county;⁴ by an act of 1861, one school examiner.⁵ The title of school examiner was changed to superintendent of schools and the power of appointment was transferred to the township trustees, by an act of 1873.⁶

The superintendent exercises general supervision of the schools outside of incorporated cities and towns of St. Joseph County.⁷ His duties are to visit the schools in session for the purpose of increasing their usefulness and raising their standards as uniformly as practicable; to carry out the orders of the state board of education and the state superintendent of public instruction;⁸ to conduct county teachers' institutes⁹ and conduct and preside over township institutes;¹⁰ to report as to teachers' preparation, experience, and license before they are employed;¹¹ to compile the enumeration of pupils of the county¹² and from such returns to make out the apportionment of the school revenues.¹³ He is ex officio member of the county board of education and presides at its meetings.¹⁴

The superintendent keeps a complete record of licenses held by all regular school teachers, date of employment, and their success grades.¹⁵

The records are located in the courthouse.

¹ Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5981.

² Acts 1935; Burns, 1938 suppl., 28-701; Baldwin, 1935 suppl., 5983-1.

³ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5981.

⁴ Acts 1853, ch. 106, sec. 6.

⁵ Acts 1861, ch. 41, sec. 32.

⁶ Acts 1873, ch. 25, sec. 2.

⁷ Acts 1873; Burns 28-1401; Baldwin 5973. Acts 1899; Burns 28-705; Baldwin 5940.

⁸ Acts 1899; Burns 28-704; Baldwin 5938.

⁹ Acts 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.

¹⁰ Acts 1899; Burns 28-706; Baldwin 5942.

¹¹ Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

¹² Acts 1865, 1873, 1895; Burns 28-714; Baldwin 5948.

¹³ Acts 1865; Burns 28-715; Baldwin 5949.

¹⁴ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

¹⁵ Acts 1923; Burns 28-4217; Baldwin 5928.

REPORTS

520. REFERENCES [Teacher's Annual Attendance Reports], 1896—. 19 vols., 10 bdl., 1 file drawer.

Teachers' annual reports to superintendent of schools of aggregate attendance of pupils, showing date of report; names of school, township, town or city, and teacher; name, birthdate, and total days attendance of each pupil; and number of days school in operation. Arr. by dates of reports. 1896-1931, hdw.; 1932—, hdw. and typed. Vols., 200 pp. 18 x 12 x 2; bdl., 10 x 20 x 2; file drawer, 12 x 14 x 24. 19 vols., 10 bdl., 1896-1935, sub-bsmt. vt., sec. J; 1 file drawer, 1936—supt. pvt. off.

521. [TEACHERS' SIX WEEK ATTENDANCE REPORTS], 1899—. 32 vols., 13 bdl.

Duplicate reports made to superintendent of schools by teachers every six weeks on attendance of school children, showing date of report; names of school, teacher, and pupil; number of days present or absent from school; total male and female pupils; date and cause of absence; and number of minutes lost by pupils' tardiness. Arr. by dates of reports. Hdw. Vols., 200 pp. 16 x 12 x 1½; bdl., 15 x 10 x 3. 32 vols., 12 bdl., 1899-1937, sub-bsmt. vt., sec. J; 1 bdl., 1938—, supt. main off.

522. [ESTIMATE OF EXPENSE FOR FISCAL YEAR], 1903—. 1 file box. Duplicate school superintendent's budget estimates for coming fiscal school year submitted to county council for approval, showing date of report; number of school units and pupils and teachers in each unit; cost per pupil and school unit; estimates of cost for maintenance and supplies for each unit; and grand total for all county-conducted schools. Also contains: [Trustees' Financial Reports], 1913—, entry 523; [Trustees' Statistical Reports], 1913—, entry 524; [County Superintendent's Annual Financial and Statistical Reports], 1923—, entry 525. Arr. by dates of reports. Hdw. 10 x 5 x 14. Supt. main off.

523. [TRUSTEES' FINANCIAL REPORTS], 1896-1912. 1 bdl. 1913—, in [Estimate of Expense for Fiscal Year], entry 522.

Township trustees' annual financial reports to county superintendent, showing date of report; names of township and trustee; statement of indebtedness; amount of receipts and disbursements of each fund; total balances of receipts, disbursements, and cash; nature of expenditures; and total operating expense. Arr. by dates of reports. Hdw. 12 x 10 x 5. Sub-bsmt. vt., sec. J.

524. [TRUSTEES' STATISTICAL REPORTS], 1896-1912. 1 bdl. 1913—, in [Estimate of Expense for Fiscal Year], entry 522.

Township trustees' annual statistical and enrollment reports to county superintendent of schools, showing date of report; names of township and trustee; number of male and female pupils enrolled in elementary, junior high, and high school; total daily attendance of pupils in public and parochial schools; number and amount of salaries of personnel in township schools; rate of school tax; and total assessed valuation of school property in township. Arr. by dates of reports. Hdw. 12 x 10 x 5. Sub-bsmt. vt., sec. J.

525. [COUNTY SUPERINTENDENTS' ANNUAL FINANCIAL AND STATISTICAL REPORTS], 1923—. In [Estimate of Expenses for Fiscal Year], entry 522.

Copies of annual financial and statistical reports of county superintendent of schools to state superintendent of public instruction, showing date of report; names of townships; amount and nature of receipt or expenditure; account of coordinate and auxiliary activities; and balances of receipts, expenditures, assets, or liabilities.

526. [NURSE'S MONTHLY REPORTS], 1932—. 1 bdl., 1 file drawer. Monthly reports of county nurse of examinations and general health of school children, showing date of report; names of township, school, and nurse; number of visits made during month; and statement of activities and general health conditions of school children. Arr. by dates of reports. Typed. Bdl., 14 x 14 x 2; file drawer, 12 x 14 x 32. 1 bdl., 1932-36, sub-bsmt. vt., sec. J; 1 file drawer, 1937—, supt. main off.

ENUMERATIONS

527. SCHOOL ENUMERATIONS, 1900—. 39 vols.

Record of children between ages of six and twenty-one years residing in county outside of incorporated cities and towns, showing date of enumeration; name, age, sex, color, date and place of birth, physical condition, and employment status of child; name of school; and names and residence of parents or guardian. Arr. alph. by names of children. Hdw. 100 pp. 12 x 11 x ½. 32 vols., 1900-1930, sub-bsmt. vt., sec. J; 7 vols., 1931—, supt. off.

528. SCHOOL ENUMERATION, 1899-1930. 30 vols., 9 bdls., 5 file drawers.

Enumeration of children of school age in incorporated cities and towns, showing dates of enumeration and birth of child; township, district, and range numbers; names of student, enumerator, township, and parent or guardian; physical status of child; and whether employed or in school. Arr. by names of townships, thereunder alph. by names of students. Hdw. Vols., 300 pp. 18 x 12 x 1½; bdls., 17 x 12 x 5; file drawers, 5 x 5 x 24. 30 vols., 9 bdls., 1899-1926, sub-bsmt. vt., sec. J; 5 file drawers, 1927-30, supt. main off.

TEACHERS

529. TEACHERS QUALIFICATIONS, 1923—. 1 file drawer.

Card record of qualifications of active, inactive, and part-time teachers who are or were employed in county schools, including duplicate copy of proof of teacher's license sent to trustee, showing date and kind of license; and name, address, qualifications, and experience of teacher. Arr. alph. by names of teachers. Hdw. 6 x 8 x 20. Supt. main off.

For prior records, see entry 534.

530. SUCCESS GRADES, 1927—. 1 file drawer.

Card record of success grades of teachers, showing date of notice; names of township, school, and teacher; success rating for year; and suggestions for improvement of profession. Hdw. Arr. by names of school, thereunder alph. by names of teachers. 6 x 8 x 20. Supt. main off.

531. [TEACHERS' APPLICATIONS], 1936—. 1 file box.

Original applications of persons applying for teachers' positions, showing date of application; and name, address, references, telephone number, education, previous experience, and qualifications of applicant. Arr. alph. by names of applicants. Hdw. 10 x 5 x 15. Supt. main off.

532. COUNTY DIRECTORY OF TEACHERS, 1938—. 1 file drawer.

Card record for use in printing directory of all county school teachers, showing name, address, and telephone number of teacher; names of township and school; and grade or subject taught. Also contains: [Eligibility of Teachers], 1910-23, entry 534. Arr. alph. by names of teachers. Hdw. 6 x 8 x 24. Supt. pvt. off.

533. RECORD OF TEACHERS' LICENSES, 1873-1924. 3 vols. Discontinued. After 1924 issued by state board of education.

Record of teachers' licenses granted by county superintendent of schools, showing date of examination; name, age, address, qualifications, training, schooling, and rating of teacher; and date, number, and duration of license. Arr. by dates of examinations. Hdw. 300 pp. 16 x 12 x 1½. Supt. main off.

534. [ELIGIBILITY OF TEACHERS], 1910-23. In County Directory of Teachers, entry 532.

Card record of county teacher's eligibility and qualifications to teach, showing name, training, and experience of teacher; and date and kind of license issued.

For subsequent records, see entry 529.

PUPILS

535. HIGH SCHOOL RECORDS, 1872-1925, 1930—. 3 vols., 2 file drawers.

Record of high school graduates, showing dates of entry and graduation, names of school and student, date and place of birth of student, and total credits for subjects taken. Arr. alph. by names of students. Hdw. Vols., 200 pp. 16 x 12 x 2; file drawers, 6 x 8 x 24. 3 vols., 1872-1925, supt. main off.; 2 file drawers, 1930—, supt. pvt. off.

536. C[OUN]TY HIGH SCHOOL CREDITS, 1919—. 1 file drawer.

Record of high school students who have withdrawn from school before graduating, showing dates of entry and withdrawal; date and place of birth of student; names of student, school, and grade; and credits for subjects taken. Arr. alph. by names of students. Hdw. 12 x 14 x 24. Supt. pvt. off.

537. STUDENTS WORK PERMIT, 1921—. 6 file drawers.

Card record of work permits issued to school children to allow them to work, including employer's intention to employ and transcript of student's birth certificate, showing dates of permit and student's birth; names of employer, township, and student; type of employment; and physical condition of student. Arr. alph. by names of students. Hdw. 5 x 6 x 24. Supt. pvt. off.

538. ELEMENTARY SCHOOL RECORD, 1932—. 5 file drawers.

Card record of attendance, scholarship, intelligence, health, and physical

condition of elementary school children now attending or withdrawn from school, showing date and place of birth of child; date of entrance or withdrawal; names of schools attended, township, teacher, and child; name, address, and occupation of parent or guardian; scholarship grades and days absent, present, or tardy by semesters; achievement and intelligence test grades; citizenship and character traits by years; and health and physical condition of child. Arr. by names of townships, thereunder alph. by names of children. Hdw. 12 x 14 x 32. Supt. main off.

539. HIGH SCHOOL RECORD CARDS, 1934—. 1 file drawer.

File card record of high school students now attending school, showing date and place of birth of student; date of school entry; names of student, township, school attending, and school transferred from; subjects carried; and total credits earned. Arr. by names of twps., thereunder alph. by names of students. Hdw. 6 x 8 x 20. Supt. main off.

540. ENROLLMENT CARDS, 1935—. 23 file drawers.

Card record of enrollments of children in public schools, showing date of enrollment; names of teacher, school, and township; name, address, date of birth, and name of parent or guardian of pupil; name and grade of school last attended; and subjects carried. Arr. alph. by names of pupils. Hdw. 4 x 5 x 20. Supt. main off.

XXIV. HEALTH OFFICER

The health officer of St. Joseph County is appointed by the board of commissioners for a four-year term under the authority of an act of 1935, effective January 1, 1938. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene, with qualifications satisfactory to the state board of health. Should the state board of health fail to approve the nomination of the person recommended, the board of commissioners must make another nomination at once.¹ The health officer must give bond in the amount that the board of commissioners determines.²

From 1881 to 1909, the board of commissioners constituted ex officio the county board of health and elected annually a secretary, who was a physician and served as health officer. The statute governing these matters provided that the secretary must render medical and surgical services to inmates of the county jail and other services required by the board of commissioners.³ An act of 1891 enlarged the duties of the board and its secretary was its executive officer.⁴ In 1909, the board of health was abolished and the office of health commissioner was established. The board of commissioners elected as health commissioner a licensed physician.⁵ The name of the officer was changed from health commissioner to health officer in 1938.

¹ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

² Acts 1891, 1909; Burns 35-108; Baldwin 8402.

³ Rev. Stat. 1881, sec. 4993.

⁴ Acts 1891, ch. 15, sec. 8.

⁵ *Ibid.*, secs. 8, 10. Acts 1909, ch. 144, secs. 4, 6.

The health officer devotes his entire time to protecting and supervising the general health and sanitation of the county outside of incorporated cities.⁶ He enforces the health laws of the state and the rules and regulations of the state board of health,⁷ oversees inspection of food and drugs,⁸ condemns buildings unfit for human habitation,⁹ and issues burial permits.¹⁰ He makes inspections of all public buildings and institutions and of private property; investigates the presence, source, and cause of disease, and establishes quarantine; if necessary, closes schools and churches and forbids public gatherings in order to prevent epidemics; and protects the public health in all reasonable and necessary ways. He makes monthly reports of his work to the state board of health.¹¹

The health officer collects, records, and reports the vital statistics of the county, and keeps full and permanent records of the public health work and of his reports.¹²

ACTIVITIES AND REPORTS

541. DAILY RECORD, 1915—. 2 vols.

Record of daily activities of health officer, transcripts of monthly death and birth reports, copies of weekly reports of diseases sent to state board of health, and claims approved by county commissioners, showing dates of report and claim; nature of activities, reports, and claim; and amount of claim. Arr. by dates of reports. Hdw. 450 pp. 18 x 12 x 2½. Hlth. offr. reception rm., 512 I. O. O. F. Bldg., South Bend.

542. SCHOOL HEALTH RECORD, 1924—. 7 file boxes.

Papers pertaining to health of school children as reported by examining physician, showing name, age, sex, color, race, general health, date and place of birth, vaccination record, abilities or disabilities of child; family history; names of parents or guardian; signature of examining physician; and date of examination. Arr. by schools, thereunder alph. by names of children. Hdw. 5 x 8 x 16. C. C., Nurse's rm., bsmt.

VITAL STATISTICS

543. BIRTH RECORD, 1882—. 17 vols.

Record of births in county outside of incorporated towns and cities, showing date and place of birth, name, sex, color, and legitimacy of child; names, ages, addresses, and nationality of parents; and name and address of attending physician or accoucheur. Indexed alph. by names of children. Hdw. 500 pp. 16 x 12 x 2. Hlth. offr. off., rm. 512, I. O. O. F. Bldg., South Bend.

544. MARRIAGE RECORD, 1910—. 11 vols.

Record of returns of marriages reported by clerk to health officer, show-

⁶ Acts 1935; Burns, 1938 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

⁷ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

⁸ Acts 1907; Burns 35-1207; Baldwin 8476.

⁹ Acts 1917; Burns 35-1801; Baldwin 8563.

¹⁰ Acts 1907, 1913; Burns 35-115; Baldwin 8398.

¹¹ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹² *Ibid.*

ing dates of marriage and return; names, addresses, occupations, color, ages, and places of birth of bride and groom; and names and addresses of parents and person officiating. Indexed alph. by names of grooms. Hdw. 500 pp. 18 x 12 x 2. Hlth. offr. reception rm. 512, I. O. O. F. Bldg., South Bend.

For other marriage records, see entries 42-46, 545.

545. MARRIAGE RETURNS, 1910—. 15 file boxes.

Reports made by officiating person of couples married in county outside of cities, showing dates of return and marriage; names, addresses, color, ages, and places of birth of groom and bride; and names and addresses of parents and person officiating. Arr. by dates of returns. Hdw. 10 x 5 x 15. Hlth. offr. reception rm. 512, I. O. O. F. Bldg., South Bend.

For other marriage records, see entries 42-46, 544.

546. RECORD OF DISEASES, 1899—. 5 vols.

Record of infectious and contagious diseases outside of incorporated cities and towns, showing dates of report and quarantine; name of physician; name, address, age, sex, race, birthplace, and family history of patient; number of persons in family; and nature of disease. Indexed alph. by names of patients. Hdw. 300 pp. 17 x 13 x 2. Hlth. offr. off., I. O. O. F. Bldg., South Bend.

547. TUBERCULOSIS RECORD, 1917—. 1 vol.

Record of tuberculosis cases reported to health officer in county, showing date of report; names of patient, township, and city or town; address, age, sex, and color of patient; stage of disease; occupation of patient; and whether or not patient is confined in hospital. Indexed alph. by names of patients. Hdw. 300 pp. 18 x 13 x 2. Hlth. offr. reception rm. 512, I. O. O. F. Bldg., South Bend.

548. QUARANTINE RECORD, 1930—. 1 vol.

Record of quarantines established to prevent spreading of contagious and infectious diseases, showing dates of report and quarantine; name of physician; type of disease; and names and addresses of patient and family members. Indexed alph. by name of patients. Hdw. 100 pp. 9 x 6 x 1. Hlth. offr. off., rm. 512, I. O. O. F. Bldg., South Bend.

549. DISEASE RETURNS, 1913-25. 3 file boxes.

Reports of health officer of investigations of reported cases of infectious and dangerous diseases in county outside of incorporated towns and cities, showing date of return; name, address, age, sex, and color of patient; nature of disease; names of parents; and date quarantine established. Arr. by dates of returns. Hdw. 10 x 5 x 15. Hlth. offr. pvt. off., rm. 512, I. O. O. F. Bldg., South Bend.

550. VACCINATION RECORD, 1902-3. 1 vol.

Record of vaccination certificates of persons vaccinated against contagious disease, showing date of certificate and names of person vaccinated and doctor who issued certificate. Arr. alph. by names of persons vaccinated. Hdw. 200 pp. 15 x 8 x 1. Hlth. offr. reception rm. 512, I. O. O. F. Bldg., South Bend.

551. DEATH RECORD, 1882—. 11 vols.

Record of death returns outside of incorporated cities and towns, showing dates of death and return; name, sex, race, age, and occupation of

deceased; duration of illness; cause of death; and names of parents, attendant, physician, and undertaker; and place of burial. Indexed alph. by names of deceased. Hdw. 400 pp. 18 x 12 x 2½. Hlth. offr. reception rm. 512, I. O. O. F. Bldg., South Bend.

552. RECORD OF BIRTHS, DEATHS, AND CONTAGIOUS DISEASES, 1907-37.

7 vols. (9, 12, 14, and 4 vols. not numbered). Title varies: Combination Record.

Record of births, deaths and contagious diseases in towns of St. Joseph County, showing dates of birth, death, report of disease, and establishing and lifting of quarantine; name, sex, and color of child, deceased, or patient; duration and nature of illness of deceased or patient; names of attending physician and undertaker; and place of birth and burial of deceased. Arr. by dates of births, deaths, or reports. Hdw. 200 pp. 17 x 12 x 1. Hlth. offr. reception rm. 512, I. O. O. F. Bldg., South Bend.

XXV. DEPARTMENT OF PUBLIC WELFARE

The department of public welfare of St. Joseph County, created by the general assembly in 1936, is administered by a board and director of public welfare.¹ The department may sue or be sued in its own name.²

Previous to the creation of the department of public welfare, an old-age pension system was administered by the board of commissioners, under an act of 1933,³ and child welfare, by the board of children's guardians, under an act of 1901.⁴ These duties, together with the right of advisory inspection of public institutions formerly belonging to the board of charities and corrections, under an act of 1899,⁵ were consolidated in the new department.⁶

The board of public welfare of St. Joseph County consists of five persons having a recognized interest in and knowledge of the problems of public welfare, who must be residents of the county for two years prior to appointment. The members are appointed for four-year terms by the judge of the circuit court; at least two must be women and not more than three may be adherents of any one political party. The board holds a regular meeting once a month, the August meeting to be known as the annual meeting, and other meetings may be held pursuant to call.⁷ It receives and administers gifts and bequests of personal property and income from real estate for the benefit of children under its supervision or of any home or institution caring for neglected or dependent children

¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1117; Baldwin, 1937 suppl., 14078-18. Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-20, 14078-27.

² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1122; Baldwin, 1937 suppl., 14078-23.

³ Acts 1933, ch. 36, sec. 2.

⁴ Acts 1901, ch. 173, secs. 1, 2, 5.

⁵ Acts 1899, ch. 34, secs. 1, 3.

⁶ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1121; Baldwin, 1937 suppl., 14078-22. Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1410; Baldwin, 1937 suppl., 14078-122.

⁷ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

under its supervision; invests any funds so received by it, such investments being kept in a special fund and not commingled with funds received from taxation;⁸ and adopts an annual budget for the department for consideration by the county council.⁹

The director of public welfare of St. Joseph County is appointed by the county board of public welfare from eligible lists established by the state department and is subject to removal by that department. He is the executive and administrative officer of the county department of public welfare and serves as secretary of the board. He must give bond not to exceed five thousand dollars, approved by the judge of the circuit court and filed in the office of the clerk.¹⁰ He appoints, with the approval of the board, all assistants in the department from eligible lists established by the state department and fixes their salaries.¹¹ As executive officer of the department, he exercise all the rights, powers, and duties conferred by law on the department under the rules, regulations, and orders of the state and county boards,¹² and compiles the annual budget for submission to the board.¹³ The director of public welfare performs the functions of probation officer or agent of the court in welfare matters under the supervision of any court having jurisdiction.¹⁴

The department of public welfare is charged with the administration of assistance to dependent children in their own homes; old-age assistance; services and assistance to persons otherwise handicapped; the care and treatment of dependent, neglected, and handicapped children; children in danger of becoming delinquents; and such other welfare activities as are delegated to it by the state department including services connected with assistance to the blind. The department makes reports to the state department as directed by the latter.¹⁵ The department also administers provisions and benefits of the Federal "Social Security Act" of August 14, 1935.¹⁶

All expenditures for assistance and administration of the department are paid from the county welfare fund raised by a separate tax levy,¹⁷ to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable

⁸ Acts 1936 (Spec. Sess.) ; Burns, 1938 suppl., 52-1122 ; Baldwin, 1937 suppl., 14078-23.

⁹ Acts 1936 (Spec. Sess.) ; Burns, 1938 suppl., 52-1302 ; Baldwin, 1937 suppl., 14078-99.

¹⁰ Acts 1936 (Spec. Sess.), 1937 ; Burns, 1938 suppl., 52-1119 ; Baldwin, 1937 suppl., 14078-20.

¹¹ Acts 1936 (Spec. Sess.), 1937 ; Burns, 1938 suppl., 52-1123 ; Baldwin, 1937 suppl., 14078-24.

¹² Acts 1936 (Spec. Sess.), 1937 ; Burns, 1938 suppl., 52-1126 ; Baldwin, 1937 suppl., 14078-27.

¹³ Acts 1936 (Spec. Sess.) ; Burns, 1938 suppl., 52-1302 ; Baldwin, 1937 suppl., 14078-99.

¹⁴ Acts 1936 (Spec. Sess.) ; Burns, 1938 suppl., 52-1120 ; Baldwin, 1937 suppl., 14078-21.

¹⁵ *Ibid.*

¹⁶ Acts 1936 (Spec. Sess.) ; Burns, 1938 suppl., 52-1113 ; Baldwin, 1937 suppl., 14078-14.

¹⁷ Acts 1936 (Spec. Sess.) ; Burns, 1938 suppl., 52-1301 ; Baldwin, 1937 suppl., 14078-98.

for their support.¹⁸ Old-age assistance award certificates, filed with the recorder, establish liens against estates of recipients to insure reimbursement.¹⁹ The county receives reimbursement of certain proportions of its expenditures from the state, and a part of any Federal funds granted to the state,²⁰ to be paid into the county welfare fund. All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are not so subject but are determined by the department and approved by the director.²¹

The auditor keeps the records relating to the county welfare fund and other financial transactions.²² The department keeps such records and accounts relating to assistance as the state department prescribes.²³ All records, except application for assistance and for awards and modification and revocation of awards, are confidential.²⁴

The records are located in the County Public Welfare Office.

PROCEEDINGS OF THE BOARD

553. MINUTE BOOK, 1936—. 1 vol.

Minutes of meetings of board of public welfare, showing date of meeting, names of members present, nature of business transacted, and action taken. Arr. by dates of meetings. Typed. 100 pp. 15 x 9 x 2. Pub. welf. off., Dean Bldg., South Bend.

554. [RECOMMENDATIONS TO BOARD OF WELFARE], 1936—. 1 vol.

Record of recommendations of county director and action of county board of public welfare as to rejections, awards, changes, modifications, revocations, or cancelations of assistance, showing recommendation, sheet, code, and application numbers; date of recommendation; name of applicant or recipient; amount of assistance recommended by director; nature of action of welfare board; and oath of welfare director. Arr. by recommendation nos. Typed. 200 pp. 15 x 12 x 2. Pub. welf. off., Dean Bldg., South Bend.

REPORTS

555. [MONTHLY STATISTICAL REPORTS ON OLD-AGE ASSISTANCE], 1936—. 3 bdls.

Copies of monthly statistical reports on old-age assistance, showing date of report; applications received for month, summary of applica-

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

¹⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

²⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1124a; Baldwin, 1937 suppl., 14078-24a.

²¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

²² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

²³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1260; Baldwin, 1937 suppl., 14078-91.

²⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1262; Baldwin, 1937 suppl., 14078-93.

tions and open case load, and tabulation sheet of withdrawals; code and serial numbers; names of applicants; number of applications, received, disposed of, and pending; total amount of payments; and amount for burials. Arr. by dates of reports. Typed. 10 x 16 x 2. Pub. welf. off. Dean Bldg., South Bend.

556. [MONTHLY STATISTICAL REPORT OF DEPENDENT CHILDREN], 1936—. 3 bdls.

Copies of monthly statistical reports to state department of public welfare, including list of applications received during month, list of applications pending from previous month, summary of applications and of open case load, and tabulation sheet of cases closed, showing date of report; code and serial numbers; names of parent, guardian, or responsible person; number of active, inactive, new, and withdrawn cases; and amount of assistance granted. Arr. by dates of reports. Typed. 10 x 16 x 2. Pub. welf. off., Dean Bldg., South Bend.

557. [MONTHLY STATISTICAL REPORT OF BLIND], 1936—. 1 bdl.

Copies of monthly statistical reports to state departments of public welfare, including list of applications received during month, list of applications pending from previous month, summary of applications and open case load, and tabulation sheet of cases closed, showing date of report; number of applications received during month and pending from previous month, and granted, pending, disposed, rejected, or withdrawn this month; total number of individuals to whom assistance granted and cases closed or continued last month or this month; and total amount of assistance granted. Arr. by dates of reports. Hdw. 10 x 16 x 2. Pub. welf. off., Dean Bldg., South Bend.

558. PAROLES, 1936—. 1 file drawer.

Papers pertaining to paroled persons from state correctional institutions, including field reports, pre-parole reports, sponsor and employment agreements, notice of arrival of parolee, monthly reports of parolee, and parole officer's road sheets, showing date of instrument; names and addresses of parolee, institution, and employer or sponsor; business of employer or sponsor; occupation and amount of wages of parolee; and itemized statement of money spent. Arr. by names of parolees. Hdw. and typed. 15 x 12 x 32. Pub. welf. off., Dean Bldg., South Bend.

OLD-AGE ASSISTANCE

(See also entries 122, 123, 492, 493, 495, 496, 498)

559. [REGISTER OF APPLICATIONS], 1936—. 1 vol.

Register of all applications for public assistance, showing date of application; code and serial numbers; name, age, and sex of applicant; kind and disposition of application; and name of visitor assigned. Arr. by code nos., thereunder by serial nos. For index, see entry 560. Typed. 350 pp. 8 x 14 x 4. Pub. welf. off., Dean Bldg., South Bend.

560. [MASTER REFERENCE], 1936—. 8 file drawers.

Card index to [Register of Applications], entry 559, and reference to all active and inactive cases, showing dates of application and award, rejection, or withdrawal; code, serial, and application numbers; name, address and personal history of applicant; type and amount of assistance

granted. Arr. alph. by names of applicants. Typed. 4 x 6 x 16. Pub. welf. off., Dean Bldg., South Bend.

561. OLD AGE ASSISTANCE [Active], 1936—. 8 file drawers.

Papers pertaining to active old-age assistance cases including applications, visitors' verification reports, statements of relatives, face sheets, recommendations, statistical reports, certificates of awards, change of awards, employment records, life insurance adjustments, census reports, and property checks, showing date of instrument; application, code, and serial numbers; name, address, age, place and date of birth, sex, race, marital status, employment record, religion, health, relatives, and amount of real and personal property and insurance of recipient; recommendations of visitor and director; decision of board; itemized monthly requirements; and amount of award. Arr. by serial nos. For index, see entry 562. Typed. 12 x 5 x 24. Pub. welf. off., Dean Bldg., South Bend.

562. [INDEX TO] OLD AGE ASSISTANCE [Active], 1936—. 1 file drawer.

Card index to Old Age Assistance [Active], entry 561, showing name and address of recipient, code and serial numbers, and name of case worker. Arr. alph. by names of recipients. Typed. 5 x 6 x 12. Pub. welf. off., Dean Bldg., South Bend.

563. OLD AGE ASSISTANCE [Inactive], 1936—. 2 file drawers.

Papers pertaining to inactive old-age cases including applications, visitors' verification reports, statements of relatives, face sheets, recommendations, statistical reports, withdrawals, and rejections, showing date of instrument; application, code, and serial numbers; name, address, age, place and date of birth, sex, race, marital status, religion, health, relatives, and amounts of insurance and real and personal property of recipient; recommendations of visitor and director; decision of board; itemized monthly requirements; amount of award; and date and reason for rejection or withdrawal. Arr. by serial nos. Typed. 12 x 15 x 24. Pub. welf. off., Dean Bldg., South Bend.

564. [OLD-AGE ASSISTANCE GRANTS, ACTIVE], 1936—. 2 vols.

Record of awards granted and payments made for old-age assistance, showing application code and serial numbers; names and addresses of recipient and guardian or responsible person; amount of monthly award; date, amount, and number of warrant; and date and nature of assignments. Arr. by serial nos. Typed. 700 pp. 14 x 8 x 6. Pub. welf. off., Dean Bldg., South Bend.

565. [OLD-AGE ASSISTANCE GRANTS, INACTIVE], 1934—. 1 vol.

Record of awards granted and payments made for old-age assistance, showing code and serial numbers; names and addresses of recipient and guardian or responsible person; amount of monthly award; date, and amount of warrant; date and nature of assignments; amount of recapitulation of assistance; total amount of payments received under 1933 act; date of death of recipient; date and reason for withdrawal; and amount and nature of burial expense. Arr. by serial nos. Typed. 1000 pp. 14 x 8 x 6. Pub. welf. off., Dean Bldg., South Bend.

566. [ALLOWANCE SCHEDULES], 1936—. 1 vol.

Schedules of allowances for old-age and dependent children assistance,

showing date of schedule; application, code, serial, and warrant numbers; name and address of payee; and amounts of allowance and warrant. Arr. by dates of schedules. Typed. 350 pp. 20 x 10 x 3. Pub. welf. off., Dean Bldg., South Bend.

DEPENDENT CHILDREN ASSISTANCE

(See also entries 493, 495-500)

567. CHILD WELFARE REFERRALS, 1922—. 1 file box.

Card record of all child welfare cases admitted to and transferred or discharged from foster care, showing code and serial numbers; date of birth, name, age, sex, religion, and legitimacy of child; names, addresses, dates and places of birth, occupations, and marital status of father, mother, step-parents, brothers, and sisters; residence of child when accepted for care, reason for acceptance; whether or not a public ward; dates of commitment, transfer, or discharge; names of judge and court making commitment, transfer, or discharge order; and name of person or agency to whom child was committed, transferred to, or adopted by. Arr. alph. by names of children. Hdw. 6 x 8 x 18. Pub. welf. off., Dean Bldg., South Bend.

568. BIRTHDAY CARDS, 1936—. 1 file drawer.

Card reference to birth dates of dependent children, showing name and date of birth of dependent child, date child will become 16 years of age, and code and serial numbers. Arr. by names of dependent children. Typed. Pub. welf. off., Dean Bldg., South Bend.

569. DEPENDENT CHILDREN [Active], 1936—. 4 file drawers.

Papers pertaining to active cases of support for dependent children including visitors' reports, record of family, and certificates of awards, showing date of instrument; application, code, and serial numbers; names of parent, guardian, or person in loco parentis; number of children; record of family; visitor's decision; recommendation of director; decision of board; and amount of award. Arr. by serial nos. For index, see entry 570. Typed. 12 x 15 x 32. Pub. welf. off., Dean Bldg., South Bend.

570. DEPENDENT CHILDREN ACTIVE, BLIND ACTIVE [Index], 1936—. 1 file drawer.

Card index to Dependent Children [Active], entry 569; Blind Assistance [Active], entry 575, showing name and address of recipient, code and serial numbers, and name of case worker. Arr. alph. by names of recipients. Typed. 5 x 6 x 18. Pub. welf. off., Dean Bldg., South Bend.

571. DEPENDENT CHILDREN [Inactive], 1936—. 1 file drawer.

Papers pertaining to inactive cases of support for dependent children including visitors' reports, record of family, certificates of awards, rejections, and withdrawals, showing date of instrument, application, code, and serial numbers; names of parent, guardian, or person in loco parentis; number of children; record of family; visitor's decision; recommendation of director; decision of board; amount of award; and date and reason for rejection or withdrawal. Arr. by serial nos. Typed. 12 x 15 x 24. Pub. welf. off., Dean Bldg., South Bend.

572. ASSISTANCE TO DESTITUTE CHILDREN, 1936—. 1 file drawer. Allowance schedules for assistance to destitute children, showing date of schedule; code and serial numbers; date, number, and amount of warrant; names of child and parents or person in loco parentis; and amount of claim. Arr. by serial nos. Typed. 12 x 15 x 24. Pub. welf. off., Dean Bldg., South Bend.

573. [ASSISTANCE PAYMENTS TO CHILDREN], 1936—. 1 vol. Record of allowances paid for support of dependent children, showing application, code, and serial numbers; name of parent, guardian, or person in loco parentis; type of assistance; name and date of birth of child; names and addresses of parent, guardian, institution, or responsible person; amount of award; date, amount, and number of warrant for each payment; and total assistance given each year. Arr. by code nos., thereunder by serial nos. Hdw. 250 pp. 14 x 9 x 2. Pub. welf. off., Dean Bldg., South Bend.

574. [ASSISTANCE TO PUBLIC WARDS], 1936—. 1 vol. Individual record of assistance to public wards in custody of institutions and individuals, showing code and serial numbers; name and date of birth of child, names and addresses of institution and parents or guardian; date of commitment, amount of allowance granted, and itemized amount and nature of assistance given. Arr. by serial nos. Hdw. 200 pp. 14 x 9 x 2. Pub. welf. off., Dean Bldg., South Bend.

BLIND ASSISTANCE

(See also entries 493, 496)

575. BLIND ASSISTANCE [Active], 1936—. 3 file drawers. Papers pertaining to active blind assistance cases including applications, notices to report to oculists, oculists' and statistical reports, certificates of awards, and payments made, showing dates of application, report, certificate, and payment; code and serial numbers; names, color, ages, and addresses of recipient and wife or husband, statement of amount of real and personal property owned by recipient; names and addresses of examining physician and legal guardian; nature of blindness; amount of monthly payment; and date, number, and amount of warrant. Arr. by serial nos. For index, see entry 570. Typed. 15 x 12 x 24. Pub. welf. off., Dean Bldg., South Bend.

576. BLIND ASSISTANCE [Inactive], 1936—. 2 file drawers. Papers pertaining to inactive blind assistance cases, including applications, notices to report to oculist, oculist's and statistical reports, certificates of awards, payments made, rejections, withdrawals, showing dates of application, report, certificate, and payment, rejection, or withdrawal; code and serial numbers; names, color, ages, and addresses of recipient and wife or husband; statement of amounts of real and personal property of recipient; claims filed against property for payment; names and addresses of examining oculist and legal guardian; nature of blindness; reason for rejection; and date, number, and amount of warrant. Arr. by serial nos. Typed. 15 x 12 x 24. Pub. welf. off., Dean Bldg., South Bend.

CLAIMS

577. ESTATES [Index], 1933—. 1 file drawer.

Card reference to active and inactive cases containing liens against estates of recipients to insure repayment of assistance granted, showing name and address of ward or decedent; code, serial, estate, and claim numbers; and date claim filed and closed. Arr. alph. by names of wards or decedents. Typed. Pub. welf. off., Dean Bldg., South Bend.

578. [COUNTY CLAIM REGISTER], 1936—. 2 vols.

Register of claims filed by county department of public welfare for approval of county welfare board and warrants issued by county auditor in payment of administrative expenses, showing dates, numbers, and amounts of claim and warrant; name of payee; and nature of expenditure. Also contains: [Assignment Register], entry 579; [Estate Claim Register], entry 581. Arr. by dates of claims. Typed. 700 pp. 18 x 12 x 4. Pub. welf. off., Dean Bldg., South Bend.

579. [ASSIGNMENT REGISTER], 1936—. In [County Claim Register], entry 578.

Register of assignments of life insurance and other personal assets of recipients to department of public welfare to insure repayment of assistance granted, showing name of recipient, register and serial numbers, dates of assignment and settlement, nature and amount of assignment, and disposition of proceeds. Arr. by register nos.

580. SUBJECT FILE, 1938—. 1 file drawer.

Copies of monthly certification of claims on county claim register submitted by county welfare director and county auditor to state department of public welfare, showing date of certificates, amounts of claim and allowance, and certifications of county director of public welfare and county auditor. Arr. by dates of certificates. Typed. Pub. welf. off., Dean Bldg., South Bend.

581. [ESTATE CLAIM REGISTER], 1936—. In [County Claim Register], entry 578.

Register of claims filed against estates of deceased recipients of public assistance, showing dates of filing and settlement of claim; register, serial, and docket numbers; name of recipient; and disposition of proceedings. Arr. by dates of filing.

582. [DUPLICATE CLAIMS], 1936—. 37 bdl.

Duplicate claims submitted to board of county commissioners for payment of administrative expenses, showing date, amount, and number of claim; itemized list and nature of expense; and names of recipient and county welfare director. Arr. by dates of claims. Typed. 10 x 10 x 3. Pub. welf. off., Dean Bldg., South Bend.

583. [INSTITUTIONS CLAIMS FOR ASSISTANCE TO CHILDREN], 1936—. 1 vol.

Register of claims filed with county welfare department for public wards in custody of institutions, showing name and address of institution; date of claim; code, serial, and claim numbers; name of child; nature of service rendered; individual and total cost; and certification of county director of public welfare. Arr. by dates of claims. Typed. 150 pp. 20 x 10 x 1½. Pub. welf. off., Dean Bldg., South Bend.

RECEIPTS AND DISBURSEMENTS

584. [LEDGER OF APPROPRIATIONS AND DISBURSEMENTS], 1936—. 1 vol.

Record of all appropriations from state and disbursements therefrom, showing dates, numbers, and amounts of appropriation and warrant; claim number; total disbursement for month and year to date; monthly budget allotments and adjustments; and balance. Also contains: [Ledger of Receipts and Disbursements], entry 585. Arr. by dates of appropriations and disbursements. Hdw. 250 pp. 15 x 10 x 2. Pub. welf. off., Dean Bldg., South Bend.

585. [LEDGER OF RECEIPTS AND DISBURSEMENTS], 1936—. In [Ledger of Appropriations and Disbursements], entry 584.

Record of receipts and disbursements in special funds or accounts, showing date, nature, number, and amount of receipt or disbursement for month and year to date; name of fund or account; and fund balance at end of month. Arr. by dates of receipts or disbursements. Hdw. 250 pp. 15 x 10 x 2. Pub. welf. off., Dean Bldg., South Bend.

XXVI. SURVEYOR

The surveyor is a constitutional officer, elected for a two-year term, without restriction on re-election. The office of surveyor is established in St. Joseph County under the Constitution of 1851 and the Revised Statutes of 1852.¹ He must give bond in an amount fixed by the board of commissioners of not less than five thousand dollars.²

The office was established in St. Joseph County in November 1831, under authority of the Revised Laws of that year.³ By an act of 1833, appointment of the surveyor became a duty of the circuit court and the term of office was fixed at three years.⁴ In 1843, the power of appointment was returned to the board of commissioners.⁵

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering work of the county, including the preparation of plans and specifications for, and supervision of, the construction of all bridges, turnpikes, roads, and levees.⁶ He supervises the construction and maintenance of all ditches.⁷ In event that the surveyor is not a competent civil engineer, the board of commissioners appoints one, as deputy, for any improvement work petitioned for or ordered, and the circuit court, for any ditch project.⁸

For private parties, the surveyor takes acknowledgments of mort-

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504.

² Acts 1913; Burns 49-3302; Baldwin 5505.

³ Rev. Laws 1831, ch. 102, sec. 1. Commissioners' Record, 1:26.

⁴ Acts 1832-33, ch. 74, sec. 4.

⁵ Rev. Stat. 1843, ch. 4, sec. 48; ch. 10, sec. 1.

⁶ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508. Acts 1901; Burns 49-3319, 49-3321; Baldwin 5522, 5524.

⁷ Acts 1933; Burns 27-101; Baldwin 5737.

⁸ Acts 1933; Burns 27-102; Baldwin 5738. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

gages and deeds for the conveyance of real estate,⁹ and, upon request, makes surveys, and establishes lines and corners of lands.¹⁰

The surveyor is ex officio a member of the county planning commission.¹¹ He is required to preserve a copy of the original field notes of the surveys of the townships in his county¹² and a record of all surveys made by him.¹³

The records are located in the courthouse.

SURVEYS

586. SURVEYOR'S RECORDS, 1846—. 2 vols. (1, 2).

Record of all surveys made by surveyor, showing dates survey started and ended; section, range, and township numbers; names of surveyor and rodman; drawing of area surveyed; and surveyor's explanation of procedure used in survey. Arr. by township nos., thereunder by section nos. Hdw. 800 pp. 20 x 15 x 4. Surv. off.

587. [ORIGINAL SURVEYS], 1836. 1 vol.

Copy of original government survey of plats of congressional townships, showing section, range, township, and meridian numbers; and lakes, main drainage ditches, swamplands, rivers, and streams in each section. Arr. by twp. nos., thereunder by range nos. Hand drawn. 19 pp. 18 x 17 x ½. Surv. off.

DRAINAGE

(See also entries 25-28, 392-94)

588. DITCHES [Field Book], 1856—. 3 file drawers.

Field notes of survey of all county ditches for repair, cleaning, and construction, showing date of survey; and name, location, topography, drainage at source and mouth; and level of ditch. For index, see entry 589. Hdw. 6 x 16 x 32. Surv. off.

589. DITCH INDEX, 1856—. 1 file drawer.

Index to Ditches [Field Book], entry 588, showing names of ditch and township; total assessed area; length and nature of construction of ditch; and volume and page reference to recording. Arr. alph. by names of ditches. Typed. 4 x 5 x 14. Surv. off.

590. SUPERINTENDENT'S RECORD DITCH ASSESSMENTS, 1856—. 2 vols. (1 vol. not numbered, 2).

Record of assessments for excavation, repair, and cleaning of ditches, showing dates of assessment and installment due; name of land owner; name, description, and location of ditch; and amounts of installment and total assessment. Indexed alph. by names of ditches. Hdw. 300 pp. 18 x 18 x 2. Surv. off.

591. [DITCHES], 1876—. 152 tubes. (1-152); 5 drawers. (1-5). Specifications and plans for constructing, cleaning, and repairing county ditches, showing date of drawing, names of property owners and town-

⁹ 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

¹⁰ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

¹¹ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

¹² 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

¹³ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

ship; name, plain level, station numbers, top of flow line, elevation of grade stakes, depth of cut from top of grade stake, percent of grade between stations of ditch; and section, bin, tube, and drawer numbers. For index, see entry 592. Blueprints, tracings, and drawings. Tubes, 3" diam., 4' long; drawers, 5 x 36 x 36. 152 tubes, 1876—, sub-bsmt. vt.; 5 drawers, 1876—, surv. off.

592. SURVEYOR'S INDEX TO MAPS, 1864—. 1 vol.

Index to [Ditches], entry 591; [Roads], entry 595; [Bridges], entry 599; [Culverts], entry 600; [Buildings], entry 601; and [Plats], entry 602, showing names of ditch, road, bridge, culvert, building, or plat; and section, bin, and tube numbers. Arr. alph. by names of ditch, road, bridge, culvert, building, or plat. Arr. alph. by names of plans. Typed. 400 pp. 11 x 7 x 2½. Surv. off.

593. DITCHES, BRIDGES, 1880—. 1 file drawer.

Documents pertaining to construction and maintenance of ditches and bridges, including estimates of costs, reports of engineer, notices of drainage petitions, specifications, bridge inspector's reports, reports of drainage commissioners, contracts, and bonds, showing dates of document and construction or repair; names of principals, nature, and cost of material; type and total cost of construction; and nature of repair of ditch or bridge. Arr. alph. by names of ditches or bridges. Hdw. and typed. 12 x 15 x 32. Surv. off.

594. SURVEYOR'S RECORD DITCH CLEANING ALLOTMENTS, 1890—.

3 vols. (1, 1, 1). Title varies: 1890-1907, Drainage Record. Record of assessments and allotments for excavation, repair, and cleaning of ditches, showing dates of excavation, repair or cleaning of ditch; names of ditch and parties to whom allotments are assigned; length, depth of cut, description and location, and manner of excavating, repairing, or cleaning of ditch; and number of acres benefited. Arr. by dates of excavation, cleaning, or repairing of ditches. Hdw. 300 pp. 12 x 18 x 3. Surv. off.

ROADS

(See also entries 22-24)

595. [ROADS], 1864—. 520 tubes. (1-520).

Plans and specifications for construction and repair of county roads, showing name of road; date and scale of drawing, and approval by board of county commissioners; key and cross-key to signs used, station numbers, grade levels, depth of cut and fill, location of marking posts of road, and section, bin, and tube numbers. For index, see entry 592. Drawings, blueprints, and tracings. 3" diam., 4' long. Sub-bsmt. vt.

596. ROADS [Field Books], 1876—. 3 file drawers.

Field notes of surveys of all county roads for repairs and construction, showing date of survey; name, alignment, normal slope of base, peg levels, bench marks, and drainage level of road. For index, see entry 597. Hdw. 6 x 16 x 32. Surv. off.

597. ROAD INDEX, 1876—. 1 file drawer.

Index to Roads [Field Books], entry 596, showing names of road and

surveyor, location of road, and volume and page reference to recording. Arr. alph. by names of roads. Typed. 4 x 5 x 14. Surv. off.

598. ROAD REPORTS, 1876—. 2 file drawers.

Papers pertaining to construction, repair, and maintenance of all county roads, including standard road specifications and reports of engineer and viewers, showing dates of construction and repair; engineer's specifications, name of road, estimate of cost, methods of construction, nature of repair, and amount of cubic yards of removal or fill of dirt or gravel of road. Arr. alph. by names of roads. Hdw. and typed. 12 x 15 x 32. Surv. off.

BRIDGES

(See also entry 24)

599. [BRIDGES], 1876. 133 tubes. (1-133).

Plans for construction or repair of county bridges, showing date and scale of plan; names of bridge and township; and general plan, specifications, material, principal sections, location of bridge, and section, bin, and tube numbers. For index, see entry 592. Blueprints and tracings. 2" diam., 3' long. Sub-bsmt. vt.

600. [CULVERTS], 1882—. 71 tubes. (1-71).

Specifications for construction of culverts or extensions, showing date and scale of drawing; name of road; and general plans, specifications, dimensions, material used, principal sectional elevations, location of culvert, and section, bin, and tube numbers. For index, see entry 592. Blueprints and drawings. 2" diam., 3' long. Sub-bsmt. vt.

BUILDINGS

(See also entries 29-31)

601. [BUILDINGS], 1903—. 56 tubes. (1-56).

Plans of improvements and repairs on buildings and plans for new buildings, showing date of plan, name of project, plans and detailed specifications of construction, type of material to be used, and section, bin, and tube numbers. For index, see entry 592. Blueprints. Tubes 3" diam. 4' long. Sub-bsmt. vt.

MAPS AND PLATS

602. [PLATS], 1903—. 67 tubes. (1-67).

Plats of divisions and subdivisions in county, showing name, location, and description of plat; outlot, inlot, and section numbers, and section, bin, and tube numbers. For index, see entry 592. Blueprints and drawings. 3" diam. 4' long. Sub-bsmt. vt.

603. INDIANA, 1930. 1 map.

Political and communication map of Indiana, showing names and locations of congressional districts, townships, cities, villages, post offices, steam and electric railroads, highways, rivers, lakes, state parks, and points of interest; and population of cities and towns. Published at Indianapolis by National Map Co. Printed. Colored. Scale 1" to 7 mi. 48 x 60. Surv. off.

604. *ATLAS OF THE CITIES OF SOUTH BEND AND MISHAWAKA, INDIANA*, 1923. 1 vol.

Plat maps of cities of South Bend and Mishawaka, showing names of plat, additions, and subdivisions; description, location, and area of plat; inlots, outlots; and creeks, rivers, and railroads. Compiled by Fred J. Anderson and J. J. Stevens. Published at South Bend by G. L. Hughes. Printed. Colored. Scale: 300' to 1". 40 pp. 20 x 24 x 1. Sub-bsmt. vt.

605. *STANDARD ATLAS*, 1911. 1 vol.

Plat maps of cities, villages, and townships, showing section, township, and range numbers; and streets, county highways, railroads, lakes, rivers, and streams. Published at Chicago, Ill., by George A. Ogle and Co. Printed. Black and White. No scale given. 150 pp. 15 x 16 x 1½. Surv. off.

XXVII. HIGHWAY SUPERVISOR

The highway supervisor of St. Joseph County is appointed by the board of commissioners under the authority of an act of 1933 and serves at the will of the board. The board may appoint the surveyor or any other qualified person to the office. But, in event any individual other than the surveyor is appointed, he must attend all sessions of the annual road school at Purdue University during his incumbency.¹

From 1879 to 1913, the board of commissioners was constituted, by the general assembly, a board of turnpike directors for the management and control of county highways.² This board was abolished by an act of 1913 and the office of superintendent of highways was created. The superintendent was appointed by the board of commissioners and placed in charge of highways.³ This office was abolished in 1933 and the office of highway supervisor created.⁴ From that time to the present, a separate highway supervisor has been appointed.⁵

The highway supervisor has general charge of the repair and maintenance of county highways, bridges, and culverts,⁶ maps all highways, dividing the roads into districts, giving each road a separate name or number, and setting forth the length and character of each road and the kind and volume of traffic for the purpose of uniform maintenance;⁷ exercises police power in the control of highways and may fix the limit of loads for any highway, bridge, or culvert;⁸ establishes standards for maintenance according to topography, nature and volume of traffic, and the availability of repair materials; and makes a complete itemized estimate of the cost of repair and maintenance of highways, bridges, and culverts for the annual budget.⁹ He attends all the regular meetings of

¹ Acts 1933; Burns 36-1110; Baldwin 8708.

² Acts 1879, ch. 115, sec. 1.

³ Acts 1913, ch. 330, sec. 1.

⁴ Acts 1933; Burns 36-1113.

⁵ Commissioners' Record, 27:288, 345, 609; 28:123, 137, 328.

⁶ Acts 1933; Burns 36-1101, 36-1102, 36-1110; Baldwin 8699, 8700, 8708.

⁷ Acts 1933; Burns 36-1109; Baldwin 8707.

⁸ Acts 1933; Burns 36-1102; Baldwin 8700.

⁹ Acts 1933; Burns 36-1103; Baldwin 8701.

the board of commissioners, and advises with them concerning repair and maintenance of roads under his supervision.¹⁰

The records of the highway supervisor are maps of the highway system made by him,¹¹ reports of work in progress,¹² monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.¹³

The records are located in the courthouse.

606. LEDGER, 1922—. 21 vols.

Register of claims filed by county highway department with county commissioners for payment of emergency purchases, showing date, nature, and amount of claim; claim, account, and purchase order numbers; name of claimant; and dates of filing and payment. Arr. by dates of filing. Hdw. 132 pp. 14 x 8 x ½. 19 vols., 1922-36, high. sup. stor. rm.; 2 vols., 1937—, high. sup. off., 902 College Ave., South Bend.

607. [BUDGET LEDGER], 1928—. 1 bdl., 1 vol.

Ledger of appropriations and disbursements of county highway funds, showing name of fund, date and amount of appropriation or disbursement, balance in fund, and nature of disbursement. Arr. by names of funds, thereunder by dates of appropriations or disbursements. Hdw. 1 bdl., 1928-37, high. sup. stor. rm.; 1 vol., 1938—, high. sup. off., 902 College Ave., South Bend.

608. [EMERGENCY PURCHASE ORDERS], 1933—. 5 bdls., 31 vols. Duplicate purchase orders for materials and supplies used in repair of county bridges, roads, and culverts, showing dates of order and delivery; nature, amount, and cost of material and supplies; and name of vendor. Arr. by dates of orders. Hdw. Bdls., 6 x 8 x 8; vols., 100 pp. 6 x 8 x ½. 5 bdls., 1933-35, high. sup. stor. rm.; 31 vols., 1936—, high. sup. off., 902 College Ave., South Bend.

609. [TIME CARDS], 1938—. 12 bdls.

Time cards of employees of highway department, showing date of card, name of employee, employee number, time in and out, and total amount of time worked and lost. Arr. by dates of cards. Hdw. 9½ x 3½ x 3. High. sup. off., 902 College Ave., South Bend.

610. [BUDGET SHEETS], 1938—. 1 file drawer.

Monthly budget appropriation and expenditure sheets, showing date of budget sheet; date, nature, and total amount of expenditure; number and amount of claim; name of payee; account number; and balance of appropriation. Also contains: [Time Sheets], entry 611, [Weekly Purchase Reports], entry 612; [Payroll Sheets], entry 613. Arr. by dates of budget sheets. Hdw. 12 x 15 x 32. High. sup. off., 902 College Ave., South Bend.

611. [TIME SHEETS], 1938—. In [Budget Sheets], entry 610.

Highway employees' weekly time reports, showing date of report, trac-

¹⁰ Acts 1933; Burns 36-1104; Baldwin 8702.

¹¹ Acts 1933; Burns 36-1109; Baldwin 8707.

¹² Acts 1933; Burns 36-1106; Baldwin 8704.

¹³ Acts 1933; Burns 36-1104; Baldwin 8702.

tor or truck number, name of employee, hours and nature of work performed, and supplies used. Arr. by dates of reports.

612. [WEEKLY PURCHASE REPORTS], 1928-37. 6 bds., 1938—, in [Budget Sheets], entry 610.

Carbon copies of weekly purchase reports, showing date of report; sheet number; quantity, description, and cost of purchase; name of vendor; and total cost of weekly purchases. Arr. by dates of reports. Typed. 5 x 8 x 4. High sup. stor. rm., 902 College Ave., South Bend.

613. [PAYROLL SHEETS], 1938—. In [Budget Sheets], entry 610. Copies of semi-monthly payroll sheets of time worked by employees, showing dates of payroll and certification by highway supervisor, name of employee, number of hours worked, nature of work performed, rate per hour, and total amount of wages due employee. Arr. by dates of payrolls.

614. ROAD SUPERVISOR'S RECORD, 1857. 1 vol.

Record of expenditures for maintenance and improvement of highways, showing date of repair or improvement, names of road and supervisor, amount and kind of material and labor used, and time allowed. Indexed alph. by names of roads. Hdw. 250 pp. 18 x 12 x 1½. C. C. sub-bsmt. vt., sec. B.

XXVIII. INSPECTOR OF WEIGHTS AND MEASURES

The office of inspector of weights and measures was established in St. Joseph County in 1930,¹ under authority of an act of 1925.² The inspector is appointed by the board of commissioners, subject to approval by the state commissioner of weights and measures, after an examination by him.³ He must give bond in an amount satisfactory to the board of commissioners.⁴

Inspection of weights and measures by the county existed from its organization. Early statutes provided that the board doing county business should procure the necessary equipment and the clerk of the circuit court act as inspector.⁵

The inspector takes charge of and safely keeps the county standards, which are inspected by the state bureau at least once every two years. He may, within his county, inspect and test all weights, scales, beams, and measures of every kind; all instruments or mechanical devices for measurement; and the tools, appliances, or accessories, connected with any or all such instruments or measurements; and ascertain if they are correct.⁶ The inspector and his deputies act as special policemen and

¹ *Report of the Department of Weights and Measures, in Year Book of the State of Indiana for the Year 1930* (1931), 702. Letters from Charles J. Burns, Inspector of Weights and Measures, St. Joseph County, dated March 16, 1939.

² Acts 1925; Burns 69-104; Baldwin 16335.

³ Acts 1925; Burns 69-104, 69-107; Baldwin 16335, 16338.

⁴ Acts 1925; Burns 69-106; Baldwin 16337.

⁵ Acts 1817-18 (general), ch. 67, secs. 1, 2. Revised Laws 1824, ch. 116, secs. 1, 2.

⁶ Acts 1925; Burns 69-103, 69-106; Baldwin 16334, 16337.

may arrest without formal warrant anyone using or in possession of weights, scales, or measures, found to be false or fraudulent or not conforming to the legal standard, or offering for sale packages or amounts of commodities in violation of the law. He may condemn, cause to be repaired, or use as evidence any false weights, scales, or measures.⁷

When the inspector or his agent tests and compares any scales, weights, and measures, he seals and marks them with the words "Ind. S.", meaning Indiana standard, and the last two figures of the year of inspection. This sealing must be done at least once a year, and oftener if necessary.⁸

The inspector must keep a complete record of his work, and submit both monthly and annual reports to the board of commissioners and to the state commissioner of weights and measures.⁹ The board of commissioners supplies the inspector with the necessary apparatus for carrying out his duties.¹⁰ The apparatus must be of a standard acceptable to the state commissioner of weights and measures.¹¹

The records are located in the basement of the city hall.

615. SPECIAL [Annual Reports], 1926—. 1 bdl., 1 file drawer.

Copies of annual statistical reports to state bureau of weights and measures and county commissioners, showing date of report; name and address of inspector; type and number of device tested, corrected, adjusted, condemned, or confiscated; and affidavit of inspector. Arr. by dates of reports. Hdw. Bdls., 12 x 10 x 2; file drawer, 3 x 14 x 12. Bsmt., city hall.

616. [RECEIPTS], 1926—. 250 vols.

Duplicate receipts issued to firms for inspection services, showing date of payment; names of firm and inspector; type of business and scale; kind of measuring device; and record of corrections, adjustments, and confiscations. Arr. by dates of payments. Hdw. 9 x 5 x 1. Bsmt., city hall.

617. [REPORT OF INSPECTORS], 1934—. 3 vols.

Triplicate copies of monthly reports to state bureau of weights and measures and county commissioners of tests made on scales and measuring devices, showing date of report; name of inspector; type and number of device tested, corrected, adjusted, condemned or confiscated; and number of prosecutions and convictions. Arr. by dates of reports. Hdw. 150 pp. 10 x 6 x ½. Bsmt., city hall.

XXIX. COUNTY PLANNING COMMISSION

The St. Joseph County Planning Commission, created by the board of commissioners on the first Monday in August, 1938, under the act of 1935, consists of nine members: One member of the board of commis-

⁷ Acts 1925; Burns 69-108, 69-109; Baldwin 16339, 16340.

⁸ Acts 1925; Burns 69-106, 69-108; Baldwin 16337, 16339.

⁹ Acts 1925; Burns 69-106; Baldwin 16337.

¹⁰ Acts 1925; Burns 69-104; Baldwin 16335.

¹¹ Acts 1925; Burns 69-102; Baldwin 16333.

sioners, designated by the board; the surveyor; the agricultural agent; the engineer of each of the city plan commissions of South Bend and Mishawaka, designated by those commissions, and four other members, appointed by the board of commissioners. The terms of the four appointive members are: One for one year, one for two years, one for three years, and one for four years, and thereafter the terms are four years. Appointive members may not hold any other appointive or elective county office or position during his service. The commission elects one member to serve as chairman, and adopts rules and regulations for its conduct.¹

The county planning commission is to promote county planning, and may call upon all officials, departments, and agencies for available information. After a study of the natural resources, population, and living conditions in St. Joseph County, the commission is to adopt a master plan, as a whole or in parts as the work progresses, for the physical and economic development of the county and certify the plan to the board of commissioners. The adoption of the plan or any part thereof must be by resolution of the planning commission upon the affirmative vote of no less than five members.²

The master plan, with maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the county, including highways, waterways, and parks; aviation fields; wild-life refuges; drainage and sanitary systems; railroad and motor vehicle routes; public buildings, grounds, and institutions of local concern within the county, or which are appropriate subjects of a county as distinguished from a local municipal program or plan; and also a land utilization program, including general classification of land within the county for recreational, industrial, urbanization, housing, and other uses.³

After the adoption of the master plan or any part thereof and its certification to the county board of commissioners, no county public improvement—highway, ground, structure, or other property—shall be located, constructed, or acquired with county funds, or for any county department, unless the proposed location and extent thereof has been submitted to the county planning commission. If the department or official in charge of such location, construction, or acquisition does not act in accord with the report or advice of the county planning commission, a statement of the reasons therefor must be filed in the office of the department or official and be open to public inspection.⁴

The commission is to prepare and keep up to date a long-term development program of all major county improvement projects—a comprehensive construction and financial program—covering a ten-year period, in consultation with the several county departments, for the purpose of assisting in stabilizing industry and employment by promoting the planning and timing of public works within the county. The public works program is to be revised annually, extending one year in

¹ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

² Acts 1935; Burns, 1938 suppl., 26-2303 to 26-2306; Baldwin, 1935 suppl., 5205-3 to 5205-6.

³ Acts 1935; Burns, 1938 suppl., 26-2304; Baldwin, 1935 suppl., 5205-4.

⁴ Acts 1935; Burns, 1938 suppl., 26-2307; Baldwin, 1935 suppl., 5205-7.

the future, and an annual report thereon submitted to the board of commissioners.⁵

The commission co-operates with the state planning board in making surveys and formulating plans for the conservation, utilization, and development of the resources of the county; with the natural resources board or other agencies of the United States Government and state departments of Indiana and other states, for the same purposes; and with municipal, county, regional, and local planning commissions within the state for the purpose of co-ordinating state and local plans.⁶

The commission may, upon request or on its own initiative, furnish advice or reports to any county officer, or department on any problem in the field of county planning. It may, furthermore, prepare and submit to the county board of commissioners drafts of ordinances for the purpose of carrying out the master plan or any part thereof—including zoning or land use regulations, the making of official maps and the preservation of their integrity, the procedure for appeals from decisions made under the authority of such ordinances, and regulations for the conservation of the county's natural resources; which ordinances the board of commissioners is authorized to adopt.⁷

The commission has been appointed but to date it has no records.⁸

XXX. AGRICULTURAL AGENT

The agricultural agent of St. Joseph County is appointed by the director of agricultural extension service of Purdue University, subject to the approval of the state board—entitled county agricultural agent board—under the authority of an act of 1913, as amended in 1937. His qualifications are prescribed by the board, and his salary is paid from a state fund through Purdue University.¹

The office of county agent was created in St. Joseph County in 1913, under an act of that year, upon petition by residents of the county, and continued until 1937, when the amendatory act made the office mandatory. This agent, then commonly, as now legally, called agricultural agent, was appointed annually by Purdue University, subject to approval of the state and county boards of education. The state paid part of his salary.²

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical

⁵ Acts 1935; Burns, 1938 suppl., 26-2308; Baldwin, 1935 suppl., 5205-8.

⁶ Acts 1935; Burns, 1938 suppl., 26-2303, 26-2309; Baldwin, 1935 suppl., 5205-3, 5205-9.

⁷ Acts 1935; Burns, 1938 suppl., 26-2309; Baldwin, 1935 suppl., 5205-9.

⁸ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

¹ Acts 1913, 1923, 1927, 1937; Burns, 1938 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

² *Second Annual Report, Purdue University, Department of Agricultural Extension, 1913*, p. 5. Acts 1913, ch. 24, sec. 12.

farm problems; and aids the superintendent of schools and the teachers of the county in giving practical education in agriculture and domestic science.³

In order to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life in harmony with Federal and state laws, the St. Joseph County Agricultural agent may employ a home demonstration agent and other necessary assistants. They work under his supervision and are paid from funds appropriated by the county council.⁴ In St. Joseph County, however, no home demonstration agent has been employed.⁵

The agricultural agent is ex officio a member of the county planning commission.⁶

The records of the agricultural agent consist of copies of reports to Purdue University, covering his activities under its direction.

The records are located in the courthouse.

618. [MONTHLY REPORT OF EXTENSION WORK], 1924—. 2 file drawers. Copies of monthly reports of extension work to Purdue University agricultural extension service, showing dates of report, meeting, news story, and circular letter; dates county agent, specialist, and voluntary leaders were actively engaged in work; and number of farm, home, and office visits and telephone calls. Also contains: [Soil Test], entry 619; [Annual Statistical Report of Extension Work], 1929—, entry 620; [Tuberculin Tests of Cattle], 1936—, entry 625. Arr. by dates of reports. Hdw. 12 x 12 x 32. Agr. agt. off.

619. [SOIL TEST], 1924—. In [Monthly Report of Extension Work], entry 618.

Original papers pertaining to soil test for phosphate and acidity, showing dates of test and recommendation, results of test, names and address of farmer and farm, and nature of recommendation made. Arr. alph. by names of farms.

620. [ANNUAL STATISTICAL REPORT OF EXTENSION WORK], 1929—.

In [Monthly Report of Extension Work], entry 618.

Copies of annual statistical reports of farm activities to Purdue University agricultural extension service, showing date of report, various phases of work in which engaged, name of worker, and nature of subjects discussed at farm and home visits.

621. [ANNUAL NARRATIVE REPORTS], 1929—. 1 file drawer.

Summary of monthly and copies of annual narrative reports of all activities of agricultural agent to Purdue University agricultural extension service, showing date of report; names of agent and county; number of farm visits; nature and number of projects; activities on grain, fruit, and vegetable growing; cattle, sheep, swine, and horse raising; farm management; marketing of crops; and home demonstration and 4-H club activities. Also contains: [Questionnaires to Annual Reports], entry

³ Acts 1913, 1923, 1927, 1937; Burns, 1938 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

⁴ Acts 1931; Burns 28-5627; Baldwin 6475.

⁵ Interview with E. C. Bird, St. Joseph County Agricultural Agent.

⁶ Acts 1935; Burns, 1938 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

622; [Agricultural Department Claims], 1932—, entry 623. Arr. by dates of reports. Hdw. 12 x 12 x 32. Agr. agt. off.

622. [QUESTIONNAIRE TO ANNUAL REPORTS], 1929—. In [Annual Narrative Reports], entry 621.

Copies of answers to questions not covered by annual narrative reports, showing date of report, questionnaire, and reply; subjects covered; and information furnished. Arr. by dates of questionnaires.

623. [AGRICULTURAL DEPARTMENT CLAIMS], 1932—. In [Annual Narrative Reports], entry 621.

Duplicates of claims filed with board of commissioners for payment of expenses of agricultural agent, showing date, number, nature, and amount of claim; and names of claimant. Arr. by dates of claims. Typed.

624. RECORD—4-H CLUB MEMBERS, 1933—. 1 file drawer.

Record of membership and activities of 4-H Club, showing name, age, and address of member; school year; and account of activities. Arr. alph. by names of members. Typed. 14 x 12 x 32. Agr. agt. off.

625. [TUBERCULIN TESTS OF CATTLE], 1936—. In [Monthly Report of Extension Work], entry 618.

Duplicate papers pertaining to tuberculin test made of cattle in county, showing date of test, number of pure bred cattle; suspect and react tag numbers of cattle tested, and recommendations made. Arr. by dates of tests.

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